Gladman Developments Ltd.

Land West of Tattenhall Road, Tattenhall

Outline application for the erection of up to 110 residential dwellings

APPENDICES

Mark Johnson – Johnson Mowat Planning Ltd
Appeal Reference: 6013490

3/11/2026

APPENDICES

Appendix A: JM letter to TNP Examiner 12 Oct 2026

Appendix B: Examiners Response 15 October 2026.

Appendix C: LPA's response to the TNP questions Sept 2026

Appendix D: Chalgrove Appeal Decision

Appendix E: Wootton Appeal Decision

Appendix F: Snarlton Appeal Decision

Appendix G: Buntingford Appeal Decision

Appendix H: Lydiard Appeal Decision

Appendix I: Heritage Statement (Pegasus)

Johnson Mowat References

Client	Gladman Developments Ltd.
Site	Land West of Tattenhall Road, Tattenhall
Development	Outline application for the erection of up to 110 residential dwellings
Local Planning Authority	Cheshire West and Chester
Document Type	APPENDICES

Appendix A

JM letter to TNP Examiner 12 Oct 2026

JohnsonMowat
Planning & Development Consultants

FAO Andy Mead
Examiner to Tattenhall and District Neighbourhood Plan

Sent via email only

Telephone 0113 8870120
Email becky@johnsonmowat.co.uk

Our ref.
Your ref.

12 October 2026

Dear Mr Mead,

INDEPENDENT EXAMINATION OF THE TATTENHALL AND DISTRICT NEIGHBOURHOOD PLAN

LETTER ON BEHALF OF GLADMAN DEVELOPMENTS LIMITED AND THEIR LAND INTEREST AT LAND AT GREENLANDS, TATTENHALL

This letter is submitted on behalf of Gladman Development Limited ("Gladman") in relation to the Tattenhall and District Modified Neighbourhood Plan ("the Modified Plan").

The purpose of sending this letter is two fold:

- In light of the issues before the examination to ask for an oral hearing to be held to test the evidence and the lawfulness of the Modified Plan; and
- To respond briefly to the letter of Cheshire West and Chester Council ("CWaC") dated 30 September 2026.

Request for an oral hearing

As has been set out in earlier representations from Gladman, the neighbourhood plan is fundamentally flawed. It does not meet the basic conditions and to adopt it would be unlawful. It is noted that many other representations have been made to this effect. Without prejudice to the representations which Gladman has already made the following points particularly require testing at an oral hearing.

First, the selection of a figure of 600 homes has not been justified and requires testing. The failure to have regard to the sustainability of Tattenhall in the context of a district heavily constrained by green belt is a serious flaw and means that the figure of 600 homes is not justified and not robust (see further below in response to the Council).

Second, the SEA is not fit for purpose and is unlawful. The Environmental Assessment of Plans and Programmes Regulations 2004 require the assessment of reasonable alternatives. However, there has in fact been no rational assessment of reasonable alternatives in the SEA which has accompanied the Modified Plan. The Parish Council chose to plan in line with an indicative figure provided by CWaC (523). There has been no reasonable assessment of a viable option for development at around this figure which includes land other than that to the west and south west of Tattenhall. In particular, scenario 3 was for a

figure well above the indicative figure provided by the Council and therefore not a reasonable alternative. Further, scenario 1 (which included development for 700 homes) was not a credible reasonable alternative because it involved the development of c100homes within the conservation area. For that reason this option was always going to be discounted on heritage grounds (as is the case within the SEA document). It was in effect a "straw man". There is no rational reason why CWaC should not have considered an option at around 600-700 homes which did not include major development within the conservation area. This is particularly the case given the existence of sites such as Land at Greenlands where there are no technical objections to development. Further, there has been no reason given for why Land at Greenlands should not have been assessed as part of an option for delivering the Parish Council's chosen number of homes in any event.

Thus, in reality there has been no proper assessment of reasonable alternatives to the Parish Council's proposed allocations to the west and south east of Tattenhall. This is unlawful.

The SEA is also unlawful because the judgments which have been reached as to the relative merits of sites are objectively unreasonable. This has been borne out by the recent consideration of the planning merits at Land at Greenlands as well as on the Council's chosen allocation. We have previously drawn attention to the fact that the application process on Land at Greenlands has demonstrated that areas of flood zone 2 and 3 within the site are not reasons for why the site should not be allocated in the Modified Plan. This confirms that the judgment reached in the SEA for scoring the site negatively due to areas of flood risk was wholly irrational given the capacity of the remainder of the site for major residential development.

Further, these errors are compounded by how the Parish Council has scored its draft allocated site, Land to the south of Frog Lane, Tattenhall. The SEA concludes that the allocation would give rise to a neutral heritage impact/effect. However, it has recently come to Gladman's attention that the application for 400 homes on that site (application reference 26/00486/OUT) has included a heritage assessment which concludes that the proposal would cause less than substantial harm (at a low level) to the Conservation Area and the application has generated a consultation response from the Council's Heritage Officer which has identified moderate less-than-substantial harm to the Conservation Area (Appendix A). Thus, there appears to be no reasonable basis for the SEA's conclusion that the development of the draft allocation would give rise to neutral heritage impact.

These fundamental failings of the Modified Plan merit thorough testing by way of an oral hearing. We therefore request that one is held as part of the examination into the plan.

<u>Brief response to CWaC letter</u>

First, with regards to the selection of the 600 home figure, CWaC asserts that its methodology has "erred on the side of caution and potential over-provision rather than under-provision". That is demonstrably incorrect given the fact that the figure has not considered the sustainability of Tattenhall within the context of a heavily constrained borough. It is incorrect for CWaC to state that Gladman's representations are at odds with a plan led approach. Indeed, CWaC's letter cites the following text from the NPPF:

> "*The objective of the policies in this chapter is to create a system that is genuinely plan-led, through plan-making authorities prioritising the preparation and updating of the plans for which they are responsible. The preparation of development plans allows people to influence development in their*

area, including directing growth to the most appropriate and sustainable locations, mitigating and adapting to climate change, supporting regeneration and conserving and enhancing the quality of the built and natural environment."

The indicative figure must therefore obviously take into account which are the most sustainable locations in the borough for development to be located. It must also take into account the existence of locations which are constrained, for example by green belt. The Chester Green Belt covers c42% of the borough and constrains a number of the largest settlements in the borough including Chester, Ellesmere Port and Northwitch (map provided at Appendix B). Given the fact that exceptional circumstances must exist for the release of green belt through a local plan process (NPPF policy GB3) it is therefore wholly illogical to simply scale up housing requirements in the existing local plan in accordance with the requirements of the new standard method without considering the variability of constraints which exist across the borough and the sustainability of settlements to accommodate development.

Second, it is noted that the CWaC does not engage with Gladman's concerns with regards to the SEA supporting the Neighbourhood Plan. It simply states that "the Council does not consider that the existence of those proposals should be afforded significant weight in determining whether the Neighbourhood Plan should proceed or whether further site allocations are required". Respectfully, this wholly misses the point. The recent planning applications demonstrate that the judgments reached in the SEA (which ought to be an iterative process) are unreasonable and unsupported by evidence. This includes the discounting of Land at Greenlands and the selection of the preferred allocation where the conclusions over heritage impact are wholly unsupported by evidence.

Concluding remarks

Gladman and many others have raised serious concerns over the lawfulness of the Modified Plan and the robustness of the evidence to support it. As a matter of procedural fairness to all parties these issues require testing at an oral hearing. For the avoidance of doubt, procedure whereby written questions are directed solely to the Parish Council and CWaC does not meet the requirements of procedural fairness given the interests of all parties involved.

Yours sincerely,

Becky Richmond

Becky Richmond
Joint Managing Director

APPENDIX 1

Conservation Comments (01/04/2026)

Planning Application No	26/00486/OUT

Planning Application	**OUTLINE**
Is the site within a Conservation Area?	**Within setting**
Is it nationally listed?	**Affects setting**
Is it non-designated heritage asset?	**No**
Has a Heritage Impact Assessment been submitted?	**Yes**

Comments

Legal context

Special regard must be had to the desirability of preserving the heritage asset or its setting or any features of special architectural or historic interest which it possesses, by attaching considerable importance and weight to that desirability.

Any degree of harm must be given considerable importance and great weight in the decision-making process.

Assessment of impacts
a

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

A Heritage Impact Assessment (HIA) has been submitted with this application in order to better understanding the significance of the heritage asset(s), its setting and the impact this proposal will have on it. The Statement concludes that there would be a low level of less than substantial harm to the significance of some of the identified heritage assets (setting of Tattenhall Conservation Area and Grade II listed Rose Bank). This assessment of significance appears well considered and the impact of the proposed works fully explored.

The Team agree with the conclusions drawn by the Heritage Statement undertaken by Turley. As such, the assets considered below are limited to the Tattenhall Coonservation Area and Rose Bank.

The Tattenhall Conservation Area boundary is adjacent to the site. The CA covers the historic core of the village. The rural character of the historic area is rooted in its medieval origins with agriculture and cheesemaking the primary industries. The relationship between the CA and the surrounding open countryside is a key element in understanding and appreciating its special character. The application site contributes positively to this.

Tattenhall has expanded quite significantly to the north and west throughout the 20th and early 21st centuries. This has diminished the appreciation of the rural context of the CA quite significantly. Although from within the CA the change in built form and character is clear with the historic core of the village covered by the CA remaining well defined, the loss of connection the open countryside to the north and west has result in a negative impact on the setting of the CA. The remaining openness to the east and south now represents a crucial element of the rural landscape setting of the CA and appreciation of its historic agricultural connection.

Furthermore, Frog Lane and Rocky Lane are key approaches to the village. Whilst both are characterised by high hedges, the feeling of openness remains evident behind. This experience when travelling towards the village would be demonstrably changed through the development of the site. These lanes,
Frog Lane to the junction with Rocky Lane leading to High Street, form the historic boundary of the village to the east and south which would be lost through the development of the site.

The closest listed building to the site is Rose Corner. An early 20th century pair of workers cottages building for the Barbour Family. They appear to have replaced an early set of buildings of unknown use. Rose Corner has a strong presence within the CA sitting at the junction of Frog Lane and Rocky Lane. Its Palladian style is of high aesthetic and historic value. To the rear of the buildings is a small courtyard of dwellings enclosed within the wider corner plot. Although bound by hedge rows the relationship between Roase Corner and the application site is positive, with Rose Corner being experienced and viewed in the rural context that the application site provides. The development of which would harm the setting of Rose Corner.

Conclusion

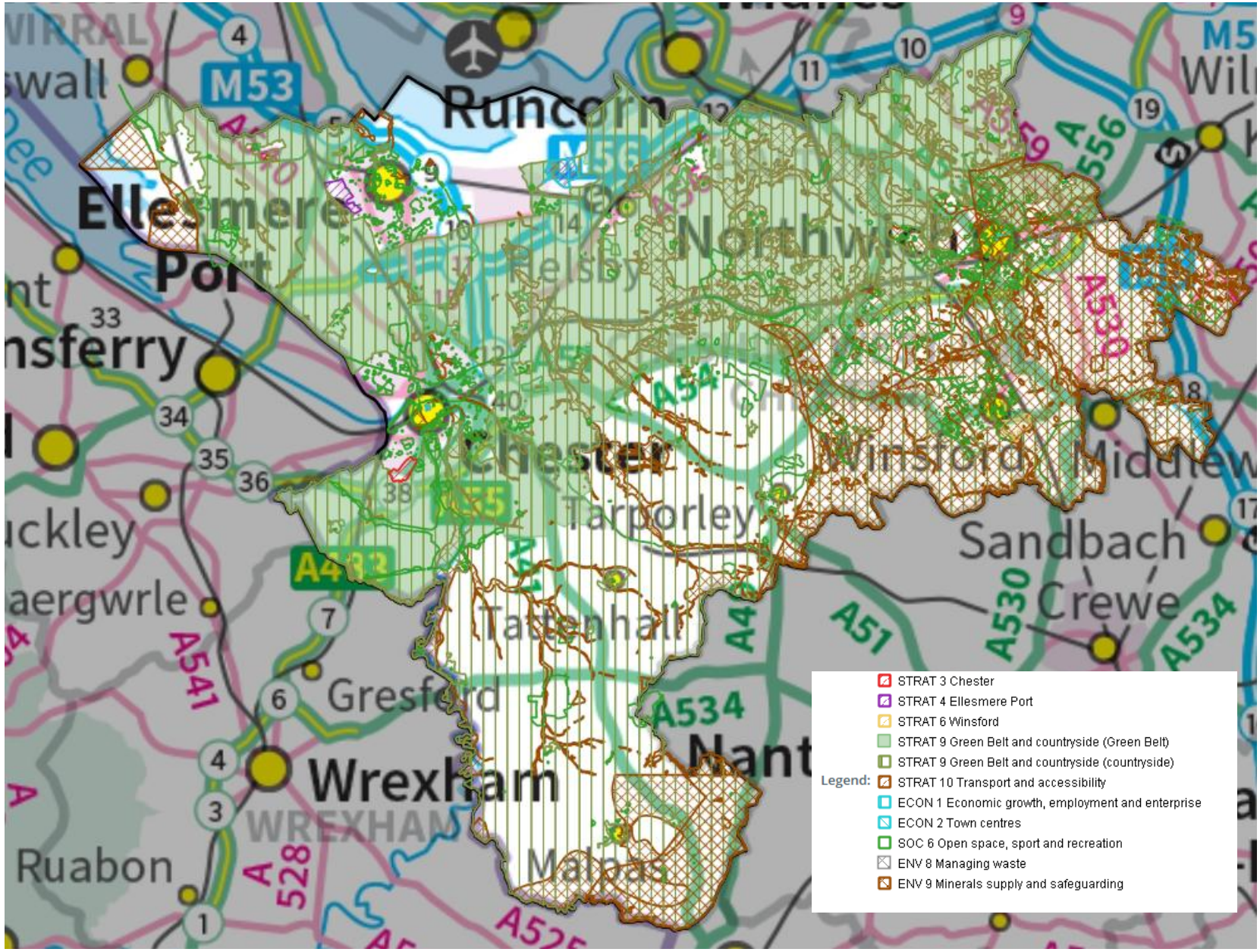
–Less than substantial harm
Overall, the development proposal will lead moderate degree of less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

If there is harm, could this be reduced/mitigation through additional information/revisions?

- **Consideration of entrances at design stage would be key.**
- **Materiality, of the proposed dwellings to be considered as roofscape would interrupt views into the CA.**

APPENDIX 2

Extent of Green Belt designation in Cheshire West and Chester



Extract from Cheshire West and Chester Local Plan Interactive Map

Appendix B

Examiners Response 15 October 2026

Becky Richmond

From: Steve Carnaby <steve.carnaby@intelligentplans.co.uk>
Sent: 15 October 2026 11:34
To: Becky Richmond
Cc: 'MORGETROYD, Catherine'; clerk@tattenhallpc.co.uk; Mark Johnson
Subject: Tattenhall and District Modified NP -Examiner response to Hearing Request

Dear Ms Richmond

Further to your letter of 12 October 2026, I have now had an opportunity to seek the view of the Examiner as to whether he wishes to accept this unsolicited further submission.

The letter substantially re-rehearses matters already covered in your previous representations. It is well accepted practice that Examiners will seek the clarification of specific issues from the relevant Council and Qualifying Body and provide those parties responsible for the Plan with an opportunity to respond. Accordingly, in circumstances where a representor wishes to also comment, Examiners will generally exercise reasonable flexibility in accepting the additional submission, as was the case with your previous submission of 28 September 2026. No procedural flaw has occurred.

It is noted that neither your Regulation 16 representation nor your more recent letter of 28 September 2026 expressed a view that there was a necessity to convene a hearing. As you are aware, the holding of a hearing is at the discretion of the examiner, within the context that the general rule is that the examination takes the form of written representations.

The Examiner's view is that, in all respects, the representations clearly articulate the submissions to the Modified Plan and will enable him to reach conclusions on the matters concerned. Accordingly, the Examination report will be sent to the Local Planning Authority and Qualifying Body for fact check very shortly.

Best wishes
Steve Carnaby
Associate Director

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Appendix C

LPA's response to the TNP questions Sept 2026

Cheshire West & Chester Council

Planning Policy

Planning Policy
Cheshire West and Chester Council
The Portal
Wellington Road
Ellesmere Port
CH65 0BA

[redacted]

Please ask for: Catherine Morgetroyd
Email: [redacted]
Web: www.cheshirewestandchester.gov.uk

Date: 22 September 2026

Mr A Mead
Intelligent Plans and Examinations Ltd
Office 10
5 Argyle Street
Bath
BA2 4BA

our reference NP003 your ref: 01/AM/TNP please ask for: Catherine Morgetroyd

Dear Mr Mead,

Cheshire West and Chester – Response to Examiner's Initial Questions
Tattenhall and District Modified Neighbourhood Plan Examination

Further to your letter dated 8 September 2026, please find below a response from the Council to your initial questions. The responses are provided in italics, after each question. Tattenhall Parish Council have provided a separate response.

1. **Representations: Question to CWaCC.** I would be grateful if the number of Regulation 16 representations received could be confirmed. - *There were 39 representations. This includes the Lichfields representation, which was received after the end of the consultation period. It also includes three duplicated representations from Mr David Himsley. Mr Himsley submitted three separate comments via email and the same three comments online. As such, there were 36 representations if the duplicates were removed.*

2. **Local Nature Recovery Strategy (LNRS): Question to TPC.** Does the TPC consider the Plan is compatible, where appropriate, with the LNRS under Section 104 of the Environment Act 2021? – *Question for TPC only.*

3. **Climate Change: Question to TPC.** Does the TPC consider that the Plan is compatible, where appropriate, with the development and use of land in the Neighbourhood Area contributing to the mitigation of, and adaptation to, climate change? – *Question for TPC only.*

4. **Policy 1: Q to TPC and CWaCC.** Taking note of the representations on behalf of the Bolesworth Estate dated July 2026, please could TPC and CWaCC agree on revisions to Policy 1, dealing with the following questions?

(a) I refer to the Regulation 16 representation from CWaCC. Please could the nature of the black line be clarified on the Policies Map. Does it represent the revised Settlement Boundary? And, if so, what is the status of the excluded area in the centre of the village? – *CW&C would prefer that the settlement boundary goes around the outside of the settlement and does not include an excluded area in the centre of the village. CW&C understand that the Parish Council do not wish the excluded land to be developed, but the other designations (Local Green Space, Local Wildlife Site and heritage assets) should provide sufficient protection, even within the settlement boundary.*

(b) The policy refers to NPPF National Decision Making Policy (NDMP) S3 and NDMP HO8. The Plan must have regard to national guidance, which for the purposes of this examination is the December 2024 version of the National Planning Policy Framework (NPPF).[1] Therefore, I intend to recommend the deletion of the references. Do TPC have any comments? – *Question is for TPC, but CW&C agree with the deletion of the references.*

(c) Having regard to the Regulation 16 comments from CWaCC, should the phrase "where supported by up-to-date evidence" be replaced by "where supported by the latest Housing Needs Assessment"? I would be grateful for comments from both Councils. – *CW&C agree with the proposed amendment.*

(d) CWaCC suggest including the full local connection cascade in the policy to replace or supplement "short eligibility cascade". It seems to me that the full cascade for Rented Affordable Housing and Low Cost Home Ownership could be included in the reasoned justification, but the policy could refer to the source for the cascade, e.g. "A short eligibility cascade based on the Council's Housing Strategy". I would be grateful for comments from both Councils, and particularly CWaCC in respect of the source for the cascade. – *Agree with the full cascade being included in the reasoned justification. The cascade doesn't come from the Council's Housing Strategy, but has been used by CW&C for many years. Suggest that the text within the policy remains "A short eligibility cascade shall also be included within the agreement", with the full cascade being included in the reasoned justification.*

5. **Policy 2 A: Question to TPC and CWaCC.** The third bullet point states the development will be supported where it "does not unacceptably erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by—Tattenhall and Gatesheath." I would be pleased to have the comments from both Councils on the questions raised below.

(a) Are the latter two places large enough to be defined as settlements? - *The answer depends on the definition of 'settlements'. In the Local Plan, Newton-by-Tattenhall and Gatesheath would be considered to be hamlets in the countryside, rather than 'identified settlements' (as identified settlements just include key and local service centres).*

[1] See the transitional arrangements provided by Annex A, Paragraph 6 of the August 2026 NPPF: National Planning Policy Framework - GOV.UK

(b) Why is this particular area of countryside more important than others around Tattenhall? – *CW&C are not aware of any reasons why this area of countryside is more important than others around Tattenhall, apart from the fact that this section of countryside helps to protect the character of the settlement of Tattenhall.*

(c) Is this element of the policy strategic in that it would seriously hinder the efforts of CWaCC in its consideration of options for housing development in the emerging Local Plan? – *The answer to this question depends partly on what is meant by 'predominantly undeveloped gaps between the three settlements' and how far these areas extend. However, it is unlikely that any housing development around Tattenhall proposed in the Local Plan would 'unacceptably erode' the gaps and as such, this shouldn't hinder CW&C in its consideration of options for housing development in the emerging Local Plan.*

6. **Policy 2 B: Question to TPC.** Is the description of and justification for Viewpoint 7 in Appendix A accurate? – *Question for TPC only.*

7. **Policy 2 B: (a) Question to TPC.** What is a "variation in landscape structure" referred to in the second bullet point? – *Question for TPC only.* **(b) Question to TPC and CWaCC.** The third bullet point refers to "homogeneous estate layouts". Is that term sufficiently clear for development management? Is not the avoidance of "large scale homogenous estate layouts" dealt with in the Tattenhall and District Design Code (2023)? – *CW&C do not consider that the avoidance of 'large scale homogenous estate layouts' is dealt with fully by the Design Code. The Design Code should help new estates to be more in character with the local area and help to create a locally distinctive place as required by the third bullet point. However, it will not specifically require smaller character areas and the prevention of new estates all being the same character. It is suggested that it is made clearer that the smaller character areas must be slightly different to each other, but still reflect the overarching character area – so a large development of 400 homes such as phase 1 of the site allocation would be made up of several smaller character areas, rather than all being the same.*

8. **Policy 3 A: Question to TPC and CWaCC.** Should the first bullet point be phrased "The conversion of existing buildings to employment development ..."? – *Agree with the proposed re-wording of the first bullet point..*

9. **Policy 3 C: Question to TPC and CWaCC.** The policy states "Outside of the defined local centre …". However, there isn't a defined local centre. Please could a rephrased policy be agreed by the Councils and submitted to me? - *Suggest that the amended policy states "Outside of the local centre (as defined in the Local Plan) a sequential test for main town centre uses will be applied, to prevent its erosion and to maintain neighbouring amenity."*

10. **Policy 4 A: Question TPC and CWaCC.** How can "proportionate" be defined on order to be useful in development management? – *The proposed text suggested by TPC is supported, as follows: "A. Proposals for major development will be required to identify their likely impact on local*

infrastructure, services and facilities and to demonstrate how any such impacts will be addressed or mitigated. The scope and level of detail of the assessment should reflect the scale, nature and location of the development, the likely additional demand generated, and any identified capacity constraints affecting relevant infrastructure, services or facilities."

11. **Policy 4A: Question to TPC and CWaCC.** The second sentence considers cumulative impacts of new development combined with other schemes which have planning permission. Does this element of the policy have regard to national guidance in NPPF paragraphs 57 and 58? – *Reference to cumulative impacts does not have regard to paragraphs 57 and 58 of the NPPF and currently goes beyond the requirement for conditions and obligations to be relevant / directly related to the development.*

12. **Policy 5 A: Question to TPC and CWaCC.** Should this part of the policy apply to all development or only to significant residential development, e.g more than 10 houses? The second sentence of the policy, which could be applied to all new development, could be separated to form a new Clause. I would be pleased to have comments from both Councils. – *CW&C consider that as this part of the policy generally repeats the NPPF and Local Plan, it could be deleted. If it is retained, it should only apply to major development as it would be disproportionate to expect this level of information for less than 50 houses and entirely disproportionate to apply it to less than 10 houses.*

13. **Policy 5 C: Question to TPC and CWaCC.** Is the phrase "where they are proportionate to identified need" necessary? The meaning of "proportionate" is unclear. If so, please could it be revised to be an effective means of development management? Clause B appears to be superfluous given the final bullet point in Clause A. I would be pleased to have comments from both Councils. – *CW&C consider that the text "….where they are proportionate to identified need" is not necessary and could be removed. CW&C consider that Clause B is superfluous.*

14. **Policy 6 B: Question to TPC and CWaCC.** Clause A refers to "New development …". Following the comments of CWaCC, should this be revised to "New development, excluding changes of use and householder applications, should …". – *CW&C agree with the suggested amendment.*

15. **Policy 7 A & B. Question to TPC and CWaCC.** I refer to the representations from Historic England dated 28 July 2026 and would be pleased to have comments from both Councils about whether the harm to the historic environment has been fully taken into account in the site allocations in Policy 7 A & B. – *Agree with TPC's suggested amended clause, but with the addition of reference to the Development Plan, as follows:*
"ix. The scheme shall be accompanied by a Heritage Statement which identifies and assesses the significance of heritage assets that may be affected, including any contribution made by their settings, and demonstrates how the development has been designed to avoid or minimise harm to their significance, having particular regard to the Tattenhall Conservation Area and the Grade II listed building at Rose Corner, in accordance with the historic environment policies of the

National Planning Policy Framework (December 2024) and Development Plan (or any subsequent revisions)."

16. **Policy 7 A & B. Question to TPC and CWaCC.** Taking note of the representations on behalf of the Bolesworth Estate dated July 2026, please could TPC and CWaCC agree on revisions to Policy 7 A and B, especially items Policy A ii, v, ix, xii, xv (third bullet point) and xviii; Policy B ii, v vii, viii (third bullet point) xi; and also considering the following questions?

A ii – *Requires bungalows to be built to M4(3) etc – CW&C agree with TPC's response that as the specific requirements of 7a(ii) are not supported by sufficient local evidence, the criterion should be amended so that provision of accessible and adaptable home should meet or exceed local levels of need, having regard to applicable national and local planning policy. However, as this just suggests relying on policy set at a national level and through the Local Plan, it may not be necessary to include this criterion and it could be deleted.*
A v – *open space – see notes in section 16 (a) below.*
A ix – heritage statement – see response to question 15.
A xii – habitat mitigation area – see response to question 19.
A xv (third bullet point) and B viii (third bullet point) –*Natural England raised in their letter dated 20 April 2026 that they "would welcome additional policy wording to ensure the protection of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC) from development. The land allocated to the north and south of Frog Lane falls within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ) for River Dee (England) SSSI, including the internationally designated sites in underpins, suggesting a hydrological link to the site. The specific policy requirements should reflect findings of the HRA and Strategic Environmental Assessment (SEA) reports. We advise that key considerations are likely to include the need for a Construction Environmental Management Plan (CEMP) during the construction phase, along with appropriate management of surface water and wastewater drainage". AECOM (who prepared the Appropriate Assessment) have previously been made aware of the text of the third bullet point and they did not suggest any changes. As such, CW&C consider that this should not be amended.*
A xviii – *agree that there is no need to repeat the mineral safeguarding policies from the Local Plan within the Neighbourhood Plan.*

B ii – *Access arrangements – CW&C understand from TPC that the aim of this section of the policy is to reduce the need for traffic to drive through the village centre and as such, they would like it to be retained.*
B v – *open space – see notes in section 16 (a) below.*
B vii – *The amended wording suggested by Bolesworth Estates would only require the enhancement of the public rights of way network to be explored, rather than actioned, so it would weaken the policy. It is suggested that the existing wording could be retained, but 'where feasible and supported by the local authority' or something similar added to the end of criterion a. The wording of criterion b should be retained.*

B xi – *CW&C support the revised wording suggested by TPC requiring early engagement with United Utilities, with a risk assessment to be provided where the statutory water undertaker advises that one is necessary, having regard to the nature and scale of the development and its potential effect on public water supply resources. As far as CW&C are aware, the allocation is not within a source protection zone.*

CWaCC comment on three items within each of the site allocation policies: (a) public open space; (b) risk assessment of public water supply; and (c) Mineral Safeguarding Areas.

(a) In my opinion, the method of dealing with publicly accessible open space in should be consistent between the two allocations. Therefore. In policy 7 A v, the phrase "up to 9.8ha" apart from being set as a maximum which could result in a minor amount of open space satisfying the policy, should reflect the Local Plan requirement. Please could the Councils agree on revisions for each allocation which would be similar to "The scheme shall include at least … of publicly available open space including play areas." Alternatively, if actual areas would be inappropriate, please agree an acceptable revision applicable to each allocation and submit it to me. – *The Council's Green Infrastructure Officer has reviewed the policies and considers that criterion 7 A v should focus on amenity greenspace, both play categories and parks and recreation typologies. These are all based on a per dwelling basis, with each having a set quantity standard. The suggested wording for this criterion is "Open space to be provided in accordance with the quantity standards referenced in the Local Plan Policy DM 35 (or any replacement version of DM 35)". In policy 7 B v the reference to pitches should be separated out into a different criterion. This is because allotments and amenity greenspace are calculated on a per dwelling basis. Requirements for pitches are determined differently to other open space typologies and they don't have a quantity standard, but the need is based on the population a proposed development generates. Need is based on Sport England's pitch calculator tool and the CW&C Playing Pitch Strategy. This establishes the requirement for onsite sports pitch provision, contributions, or a mix of both. It is only very large scale housing development that normally trigger onsite sports pitch need. The suggested wording for the new criterion relating to pitches is "Sports pitch need is to be identified from the findings of Sport England's pitch tool and the Playing Pitch Strategy (or any subsequent revisions) and should be based on the population generated by new housing development. A community use agreement will be required for any new sports pitch provided".*

(b) A risk assessment of the impact of development on public water supply should either be required or not. Please could the Councils agree on whether one is required. *CW&C support the revised wording suggested by TPC requiring early engagement with United Utilities, with a risk assessment to be provided where the statutory water undertaker advises that one is necessary, having regard to the nature and scale of the development and its potential effect on public water supply resources. As far as CW&C are aware, the allocation is not within a source protection zone.*

(c) The Plan will be read alongside the Local Plan (Part Two) as part of the development Plan. Therefore, it seems to me that there is no need to repeat the minerals safeguarding policies in this Plan and the use of "having regard to" would be appropriate in this case. I would be pleased to have the comments from CWaCC. – *CW&C agree that there is no need to repeat the mineral safeguarding policies from the Local Plan within the Neighbourhood Plan.*

17. **Policy 7 A & B. Question to TPC and CWaCC.** The allocations jointly specify 600 dwellings. The policies seek 30% affordable dwellings which equates to 180. Does the Housing Needs Survey indicate a need for 180 affordable dwellings? If not, what is the aim of the policy? I would be pleased to have comments from both Councils. – *Policy SOC 1 in the Local Plan (Part One) states that the Council will seek to maximise the proportion of affordable housing provided up to a target of 30%.*

18. **Policy 7 A & B. Question to TPC and CWaCC.** Is any phasing of development intended? If so, how will it be implemented? I would be pleased to have comments from both Councils – *As this is a relatively large site, phasing is likely to be necessary. If no other housing allocations are proposed in the Neighbourhood Plan apart from those at Frog Lane, it is also suggested that it is made clear that Phase A and Phase B are separate allocations. This would ensure that the Neighbourhood Plan has the ability to meet the requirement in policy S6 of the NPPF 2026 (that the neighbourhood plan contains allocations to meet its identified housing requirement), in relation to the presumption in favour of sustainable development and conflict with Neighbourhood Plans. It isn't clear from the wording of policy S6 whether it would require more than one allocation, but as it uses the term 'allocations', it seems as though more than one may be required.*

19. **Policy 7 A & B. Question to TPC and CWaCC.** Should Policies 7 A & B be revised taking into account the representations from Avison Young dated 29 July 2026 about whether the references to habitat mitigation are correctly attributed to Phases A and B; whether the Plan conflicts with the implementation of planning permission ref: 22/00194/FUL; and how access should be dealt with as explained in the representations, particularly in the view of the helpful accompanying Table 1? – *CW&C agree that the plan currently conflicts with the implementation of the planning permission at Gifford Lea. CW&C agree with the amendments proposed by TPC to refer to the criterion within Policy 7B (rather than 7A) and revise the clause as follows: "Development shall not prejudice the implementation of existing planning permissions at Gifford Lea or the delivery, retention and long-term management of associated ecological mitigation and enhancement measures secured through relevant planning permissions and protected species licensing". CW&C have no further comments on access provision.*

20. **Policy 7 A & B: Question to TPC and CWaCC**. United Utilities criticise the use of the phrase "where feasible and viable" in Policy 7 A xv and Policy 7 B viii and suggest an amendment to: *"Incorporate water efficiency measures, including achieving the optional Building Regulations standard for water efficiency (or any successor standard), and for major non-residential*

development, measures consistent with BREEAM "Excellent"." I would be grateful for comments from both Councils. – *CW&C agree with the suggested amendment from United Utilities.*

21. **Omission Sites: Question to TPC and CWaCC.** I would be pleased to have comments about the reasons why (i) the land west of Tattenhall (Land at Greenlands), the subject of planning application 25/01764/OUT; (ii) Land at Chester Road, the subject of planning application 25/02070/OUT; (iii) Land off Shire Way (See representation from Lexwood); and (iv) land to the rear of Harrison Close (See representation 17185 from Mr A Topp) were omitted as allocations from the Plan. Should the Land of Park Avenue recently permitted on appeal for housing be included within the settlement boundary and, if so, please could an appropriate map be submitted (See representation from Lexwood)? – *It would seem sensible for the land at Park Avenue to be included in the settlement boundary if it now has planning permission – but it is for the Parish Council to decide which sites to allocate.*

22. **Land immediately to the west of Millbrook Meadow development: Question to TPC.** Why has this land now been included within the revised settlement boundary (See representation 17190 Mr & Mrs G and G Ward) . – Question for TPC only.

23. **Strategic Environmental Assessment (SEA): Question to TPC and CWaCC.** In the Regulation 16 representations, Lichfields claim that the site selection justification set out in the SEA is inadequate to the extent that it is unlawful. Please may I have comments from both Councils. – *The SEA report considers and assesses the four different 'growth scenarios'. The Parish Council considered that these scenarios were the only reasonable alternatives. There is no requirement to assess every possible alternative site or option. As such, the SEA is considered to be adequate and to meet the legal requirements.*

24. **Policy 8 C: Question to TPC and CWaCC.** A risk assessment of the impact of development on public water supply should either be required or not. Please could the Councils agree on whether one is required. – *CW&C support the revised wording suggested by TPC requiring early engagement with United Utilities, with a risk assessment to be provided where the statutory water undertaker advises that one is necessary, having regard to the nature and scale of the development and its potential effect on public water supply resources. As far as CW&C are aware, the allocation is not within a source protection zone.*

Yours sincerely



Catherine Morgetroyd

Planning Policy Team Manager

Appendix D

Chalgrove Appeal Decision

Planning Inspectorate

Appeal Decision

Inquiry held on 11-14 & 18-20 November 2025 and 9 February 2026

Site visit made on 20 & 21 November 2025

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2026

Appeal Ref: APP/Q3115/W/25/3370273
Land off the B480, Chalgrove OX49 5BA

- 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 Gladman Developments Limited against the decision of South Oxfordshire District Council.
- The application Ref is P25/S0867/O.
- The development proposed is described as: Outline planning application for the erection of up to 160 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.

Decision

1. The appeal is allowed and planning permission is granted for Outline planning application for the erection of up to 160 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access; all matters reserved except for means of access at Land off the B480, Chalgrove OX49 5BA in accordance with the terms of the application, Ref P25/S0867/O, subject to the conditions in the attached schedule in Annex A.

Application for Costs

2. An application for costs was made by Gladman Developments Limited against South Oxfordshire District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an outline planning application with all matters reserved for future consideration other than access. In considering access, this relates to solely to the vehicular access to the site from the B480. The matters of appearance, landscaping, layout and scale would therefore be for future consideration were the appeal allowed. The Appellant has however submitted a Development Framework Plan which I have therefore taken into consideration.

4. The proposed development is very similar to that considered under a previous planning application and at appeal Ref APP/Q3115/W/22/3309622 for which the decision was dated 5 May 2023, and which I shall refer to in this decision as the previous appeal on the site. That decision is therefore a material consideration in relation to this appeal, although I have determined it on its own merits based on all of the evidence provided, the current circumstances, and my observations.

5. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. A Written Ministerial Statement was published on the same day outlining the key changes proposed. The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of this appeal I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) as a whole from the point of view of determining this appeal. The Consultation Draft Framework does not alter or outweigh my conclusions below.

Main Issues

6. On the basis that the Council and Appellant have agreed the planning obligations contained in the submitted s106 Agreement, addressing the Council's reasons for refusal 2 and 3, notwithstanding the disputed positions in relation to primary school provision and associated provision of school transport and whether provision for a clause enabling amendment to the proposed affordable housing scheme should be included within the s106, I consider that the main issues in this case are therefore:

   i) the effect of the proposed development in terms of the Council's spatial strategy; and access to local services, facilities and public transport;

   ii) the effect of the proposed development on the provision of local primary school education;

   iii) the effect of the proposed development on the character and appearance of the surrounding area;

   iv) the situation in respect of local housing land supply (HLS);

   v) other related planning matters, including any benefits of the proposed development to be weighed in the planning balance.

Reasons

Spatial Strategy

7. Policy STRAT 1 of the South Oxfordshire Local Plan 2011-2035 adopted December 2020 (the Local Plan) sets out that proposals for development in South Oxfordshire will be assessed using national policy and guidance and the whole of the Development Plan and should be consistent with the overall strategy of, amongst other things, focussing major new development in Science Vale; providing strategic allocations, including at Chalgrove amongst others; supporting and enhancing the roles of the Larger Villages, including Chalgrove; protecting and enhancing the countryside by ensuring that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment.

8. Policy H1 of the Local Plan states, amongst other things, that residential development on sites not allocated in the Development Plan will only be permitted where it fulfils various criteria, none of which apply to the proposed development. Furthermore, the proposals do not relate to development of previously developed land or the remediation of despoiled, degraded, derelict, contaminated or unstable

land and so do not draw support from the element of that policy that supports residential development in such circumstances.

9. Policy C1 of the Chalgrove Neighbourhood Development Plan 2018 to 2033 (the CNDP) sets out, amongst other things, that proposals for residential development outside of the built-up area of Chalgrove will only be supported if it is necessary or suitable for a countryside location and is consistent with development plan policies.

10. The proposed development, being located on agricultural land outside of the built up area of the Larger Village of Chalgrove would therefore be contrary to the above policies, which is not disputed by the main parties to this appeal. As such, it would fail to accord with the Council's spatial strategy. I shall return to this in the planning balance.

Access to local services, facilities and public transport

11. The proposed development would be located on the edge of Chalgrove beyond the existing built-up area. As such, other than the nearest bus stop, it would not be within close walking distance of the various local services and facilities mainly located towards the centre of the village, and more so for those prospective residents that would be located furthest from the existing built-up area.

12. There would not be direct connection to the adjacent Chalgrove Meadows development from the centre of the site. Nevertheless, there would be pedestrian connectivity to those destinations referred to above via connections from the proposed development to existing footways. One would be to the south of the adjacent Chalgrove Meadows development via the existing footpath through the site, albeit not indicated to be upgraded to include specific provision for cyclists. The other would be a new shared cycle/footway linking section, to Francis Brown Way.

13. Whilst Monument Road and High Street are lit with street lighting, before reaching those roads, the existing pedestrian route to the south of the Chalgrove Meadows development is unlit, and there is no indication that the proposed path within the site that would connect with that existing path would be lit either. That would make such a route less attractive during hours of darkness, which would be particularly impactful during the months with less daylight hours. Nevertheless, residents would have the choice of a lit route alongside the B480, albeit for some that would be a longer distance. That route would also be exposed to traffic on the B480, albeit I have no substantive basis to consider that likely to be unsafe, subject to provision of a footway of appropriate width and specification.

14. In terms of natural surveillance of the pedestrian routes, within the site I have no substantive basis to consider this could not be achieved through the detailed design at the reserved matters stage. For the part of the route to the south of Chalgrove Meadows, the existing houses facing the path on the southern side of that development would provide some degree of such surveillance, albeit restricted to some extent by the degree they are set away from the path and the intervening vegetation. Nevertheless, that alternative route to the north, alongside the B480, would have closer range and less impeded natural surveillance from houses on the northern side of Chalgrove Meadows, providing that alternative option.

15. Additionally, play areas would be provided on the site which would therefore be in close proximity to the proposed houses. In terms of the natural surveillance of

those areas, they are shown on the Development Framework Plan (DFP) as being slightly detached, to varying degrees, from the nearest proposed housing area. Nevertheless, based on that outline DFP, I have no substantive basis to consider that this matter could not be appropriately addressed at the detailed reserved matters stage, to make them safe and attractive spaces to use.

16. The proposed development would also include provision of off-site highways works to provide some albeit limited improvements for pedestrians walking between the site and the village centre. These would include dropped kerbs and tactile paving at crossing points where not currently present and provision for a short new footway and dropped kerb crossing point between the central island at the junction of Monument Road and High Street to the southern footway of High Street.

17. I noted that the footway route on the northern side of High Street is generally narrow and therefore likely to make it more difficult for some people to use. However, I have no substantive reported evidence of any accidents or conflicts between road vehicles and pedestrians. Furthermore, the footway on the southern side of High Street is generally wider, albeit with some narrowing, thereby offering an alternative route via that new section of footway referred to above.

18. The services and facilities are also limited to those expected within a larger village, including a primary school, church, two small convenience shops, post office, pharmacy, bakery, public houses, doctor's surgery and community hall and recreation ground, also with limited employment provision. I note that, in a change of circumstances since the previous appeal, the current post office was due to be closed, believed to be in January 2026, albeit I have no substantive evidence of a lack of viability or that this service could not re-open under different management.

19. Oxford County Council's Local Transport and Connectivity Plan 2022-2050 (LTCP), updated in November 2024 highlights that by providing residents with relevant goods and services within a 20 minute walk (10 minutes out and 10 minutes back), equating to approximately 800m walking distance, they are more likely to walk or cycle. However, the LTCP recognises that it may not be practical to deliver some services within walking distance of a rural area and that the liveable neighbourhood concept can be tailored to rural areas, including, amongst other things, to look at providing access to a frequent public transport route or mobility hub within 20 minutes.

20. Most of those services and facilities referred to above are generally further away from the proposed development site than the distances suggested by the Chartered Institution of Highways and Transportation (CIHT) to be desirable or acceptable walking distances, and those relating to liveable neighbourhoods. Nevertheless, most would still be under or a little over what the CIHT suggest would be the preferred maximum walk distances. The exceptions to this would be the doctor's surgery and community hall which are further to the west which, whilst still accessible on foot, may be more likely to be reached by car.

21. Furthermore, in relation to walking to Chalgrove Primary School, that distance would only be slightly more than the CIHT acceptable walking distance. Notwithstanding national figures indicating that a significant percentage of 5-10 year old children travel to school by car, albeit for trips of less than a mile a large proportion walk; inevitable effects depending on factors such as weather conditions or other parental commitments; and my findings under the second main issue

relating to the capacity of Chalgrove Primary School; given the circumstances referred to above relating to the route to school I have no substantive basis to consider walking there would not be a viable option. There is also no substantive basis to indicate that the distances involved would necessarily discourage combined trips to the school and other services and facilities in the village on foot.

22. The proposals would add to the demand on those local village services and facilities, given the significant number of additional prospective residents that would inevitably be generated. However, I have no substantive evidence that this would be to such an extent as to cause unacceptable additional pressure on them. Furthermore, the proposals would include provision for public open space on the site itself, including play areas, thereby within close reach and likely to minimise additional pressure on other such existing facilities in the village. It is also common ground between the Council and Appellant that community healthcare providers could receive Community Infrastructure Levy money as a result of the proposed development, thereby mitigating the impact on local health care provision, and I have no substantive basis to find differently.

23. Given the nature of the roads surrounding Chalgrove, it is unlikely that cycling to services and facilities at destinations in the wider area would be an option taken by many people. There is also a bus route that runs through the village with bus stops close to the site on Monument Road that would allow access to a wider range of services, facilities and places of employment at further destinations along that route, although limited by the specific destination of the bus and frequency of service. Access to large employers in the wider area for shift work outside of those daytime bus services would also remain unlikely to be possible by bus. There is also no train station in the village.

24. It is likely that use of the bus service would be made more attractive with the bus stop improvements proposed as part of the intended off-site works, albeit acknowledging that this would not fundamentally increase the frequency, times and destinations of that service. Furthermore, I have no substantive evidence of an intention for the frequency of the service to be increased. Therefore, whilst access to the wider area by bus would be possible, with a regular, albeit not highly frequent day time bus service, it is inevitable that there would be a significant degree of car use.

25. As such, notwithstanding proposed measures to encourage alternative modes of transport to the private car, including provision for cycle parking and a Travel Plan, the proposal would have shortcomings having regard to the liveable neighbourhood concept. Nevertheless, for the reasons given above, there would remain some degree accessibility to local services, facilities and public transport, even if the post office were to permanently close.

26. The Framework highlights that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It does go on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision-making.

27. For the above reasons, I conclude on this issue that the proposed development would have shortcomings in respect of access to local services, facilities and public transport. As such, in respect of this issue, it would not accord with policies DES1,

TRANS2 and TRANS5 of the Local Plan which together, amongst other things, set out the requirements for all new development to be of a high quality design that provides access to local services and facilities; designed to encourage walking and cycling, not only within the development, but also to nearby facilities, employment and public transport hubs; and provide safe and convenient routes for cyclists and pedestrians. It would also be at odds with policies 2 and 13 of the LTCP which together, amongst other things, relate to ensuring that new developments have safe and attractive walking and cycling connections to the site and that internal routes connect easily and conveniently to community facilities and the local cycle and walking network; and support application of the liveable neighbourhood model to create walkable, vibrant neighbourhoods.

28. However, for the reasons also referred to above the extent of harm would be to a limited degree. I shall consider this further in the planning balance.

Primary school education

29. Oxfordshire County Council (OCC) has a duty to educate children in its area. Chalgrove Primary School is the nearest primary school to the site being located towards the centre of the village and therefore within viable walking distance. I understand that this school is unable to expand to create additional pupil capacity. Other schools, such as Watlington Primary School are further afield, at distances that would make it unrealistic to walk to them.

30. The proposed development would be likely to generate 46 primary school pupils and I have no substantive basis to consider that OCC would not be able to fulfil its duty to educate them. The question remains as to whether they could be accommodated in Chalgrove Primary School. This is in terms of that being the closest school to the site, having regard to any potential consequences of a lack of capacity, including in relation to social coherence, public health, environmental sustainability, parental choice and convenience.

31. In terms of whether there is capacity at Chalgrove Primary School, the most up to date 2025 data, relied upon by the Council at the Inquiry, is now agreed by the Council and Appellant to have been validated since the November Inquiry by the Department for Education (DfE). Both the validated 2024 and, at that time, unvalidated 2025 forecasts were considered at the Inquiry. No queries have subsequently been raised by DfE on the 2025 data concerned and I understand that no changes have been made to it since the November Inquiry. No parties would therefore be prejudiced by my taking the now validated and most up to date 2025 forecast into consideration.

32. Furthermore, in terms of an indicator of accuracy, I note that whilst the forecast for 2025/26 reception pupils in the 2024 data was reflected in the actual number of allocations for September 2025, I understand that two further pupils joined at the beginning of term taking it within one of the 30 forecast in the 2025 figures. Whilst pupils could also leave within the year, there is a high likelihood of pupils staying once at the school and for one additional pupil to arrive within the year to make up the 30 capacity. Additionally, I understand from the Council that based on the 2025 data the indication is that the trend is not for a locally falling birth rate. As such, unlike depicted in the 2024 forecast, the trend in the 2025 forecast is no longer showing such a clear reduction in the number of reception age pupils in the same period from 2026/27 to 2030/31.

33. When considering the 2025 data, albeit the same being true for that of 2024, regardless of the referred to 6 out of catchment pupils and 1 spare place in the 2025/26 reception intake, there would be little spare capacity in the school in the years 2028/29 and 2029/30 when the proposed development could start yielding potential pupils, including only one in the reception year. There is also no substantive evidence of there being any likely reasons for further exceeding the 30 in a class level where already forecast to be at or above that level.

34. Furthermore, it cannot be assumed that people moving into the proposed development with children already attending primary school elsewhere will continue to send their children to that other school, particularly if having moved from a location some distance away, albeit likely to some extent, particularly for more local house moves. Additionally, it cannot be assumed that people would check the likely availability of places at Chalgrove Primary School before making their decision to move to the proposed development, and in any case there would still remain some degree of uncertainty if they did check.

35. I have also taken account of the likelihood that the number of out of catchment places would be reduced in the future, such as due to displacement by children from existing new dwellings in the village that are either completed or in the pipeline, albeit some of those could already be attending and will remain in other schools or may have other reason to go to a different school; a higher pre-school population; and artificial inflation of out of catchment potential due to higher numbers currently in specific year groups.

36. There are currently 30 out of catchment pupils at the school, with last year having had 20 spare places also, amounting to a total of potentially 50 spaces for future children within catchment. Existing development in the village could generate a further 44 primary age children in the future. Whilst they could take up all but 6 of those 50 spaces, with potential for still less availability due to those other above factors, that nevertheless remains uncertain, including in relation to the number of out of catchment places that would still be available in 2028/29. Additionally, as referred to above, some may not attend that school for varying reasons.

37. I have also taken account of the potential circumstances whereby parents of the primary age children generated from the proposed development would not all necessarily wish their children to attend Chalgrove Primary School for various reasons, such as keeping them in a school already attending, albeit only likely to be a small number at most.

38. For the above reasons, there would be the potential for at least some places being available at Chalgrove Primary School for children of the proposed development. There would however also be a likelihood that some of the children would have to attend an out of catchment school, albeit with the actual number being uncertain. In the context of factors relating to social cohesion, environmental sustainability relating to additional car journeys, public health relating to not being able to walk or cycle to school and additional traffic fumes, reduced parental choice and convenience, that would be a less than optimal situation and likely to amount to some degree of harm.

39. In this respect I have had regard to the Cholsey decision[1] referred to by the Council and the harm that was found would be caused as a result of the social effects of

[1] Cholsey case Ref. APP/Q3115/W/22/3296251

some children being displaced to travel to schools some distance from their homes. That decision related to secondary school children and a noticeably longer travel distance than in this case, amounting to some 10 miles. There are therefore differences to the situation in this case, in terms of the lesser travel distance to the primary school concerned and time spent doing so, although there would still be the possible disconnect in the children's social lives regardless of that, particularly given the younger age group.

40. The generally smaller catchment areas of primary schools compared with secondary schools also means that bussing primary school children is likely to be less common. Furthermore, parents of those younger age children may be less inclined to send their children on a bus.

41. However, any degree to which the above social and environmental factors would manifest themselves and cause harm would be reduced by the likelihood of a proportion of children being able to attend Chalgrove Primary School; that some parents may choose to send their children to a different school anyway, albeit unlikely to be a significant number; and with some likely to stay in their existing school following the move of house, again unlikely to be many though.

42. Given that likelihood that some children from the proposed development would have to attend an out of catchment school, there is therefore some justification for the provision of free school transport to facilitate school attendance. That is in a situation where, other than Chalgrove Primary School, there is no other school within acceptable walking distance of the proposed development site. In itself that would not overcome that degree of harm identified above, albeit potentially limiting the amount of additional car journeys that might otherwise have to be made.

43. The submitted planning obligations make provision for an appropriate financial contribution to school transport to enable such a service. The obligations include options for either three or seven years' worth of such provision. Having regard to the Department for Education document 'Securing developer contributions for education (August 2023)', this clarifies the funding situation for such provision in the event of there being no suitable solution for sustainable access to school. It highlights that developer contributions towards the cost of home to school transport can be sought for an agreed period, such as three years following the occupation of dwellings, to reflect the usual timescale for government revenue funding to take account of the latest pupil projections. It goes on to clarify that the majority of funding of home to school transport comes under the local government settlement and that such transport receives no ringfenced funding of its own, and that there are many competing demands on funding from the settlement.

44. The proposed financial contribution set out in the planning obligations would be payable prior to first occupation of any dwelling on the site. The build out and occupation timeline for the whole development would be spread out beyond that initial first occupation. However, I have no substantive basis to consider that it would extend beyond three years and that such an amount of time would be insufficient in this case for government revenue funding to take account of the latest pupil projections. Whilst government settlement funding beyond that period would not be ringfenced for home to school transport, it would be one of the services identified as being subject to such funding even though I understand it would be low in the list of Council priorities.

45. There would therefore be a possibility that appropriate ongoing funding beyond the three years would not be provided, albeit there is no substantive evidence that the Council would not utilise settlement funding for this purpose. Nevertheless, that would be a matter for the Council given that the settlement allows for such transport. A planning obligation for funding beyond the three years would therefore have the potential for a degree of double counting and would therefore not meet the tests[2] of being necessary to make the development acceptable in planning terms or being fairly and reasonably related in scale to the development. A financial contribution towards three years' worth of home to school transport would, for the above reasons, meet all of the CIL Regulations tests. I have addressed this further under the conditions and planning obligations section below.

46. For the above reasons, I conclude on this issue that the proposed development would be likely to cause some harm in respect of provision of local primary school education. As such, in respect of this issue, it would be contrary to policy INF1 of the Local Plan which, amongst other things, requires new development to be served and supported by appropriate infrastructure and services.

47. However, for the reasons also referred to above the extent of harm would be at a moderate level. I shall consider this further in the planning balance.

Character and appearance

48. The Appellant has undertaken a Landscape and Visual Impact Assessment, which I shall take into consideration along with all other relevant evidence from all parties, also including an agreed walking route which helped my observations when visiting the site and surrounding area.

49. The site is located in the countryside on agricultural land, albeit not designated, and with the chalk stream of Chalgrove Brook bordering it to the south. As such it provides a distinctly rural setting to the village. Furthermore, the site is distinctly separated from the existing built-up area of the village by a thick belt of trees alongside the neighbouring Chalgrove Meadows development. Nevertheless, in the months of leaf fall, that belt of trees allows glimpses of the existing houses from vantage points to the east, albeit still with significant screening, including from the approach along the B480 and footpath through the field immediately to the east of the site. Furthermore, where the tree belt ends, just short of the B480, the adjacent part of the Chalgrove Meadows development can be seen more clearly from those vantage points, albeit in the close context of the B480.

50. The site and that tree belt feature can be clearly seen from the B480 in the vicinity of the site and from various vantage points to the east, south-east and south in particular, albeit to varying degrees as is the case with northern vantage points where views are largely screened with intervening vegetation.

51. That open and pleasant countryside character, contrasting with the built up settlement edge, also taking in the tree lined Chalgrove Brook environment and the woodland area that significantly divides the northern and southern parts of the site, can be appreciated at close hand from the footpath running through the site and beyond. The sharp contrast between that and the built up settlement is also particularly apparent from the point that the path to the south of Chalgrove Meadows breaks through the tree belt. Notwithstanding that, from the path through

[2] Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).

the site, views beyond the site to the wider countryside to the east are limited by a distinct albeit thinner belt of trees alongside the eastern boundary of the southern part of the site, including a mix of deciduous and evergreen varieties. Furthermore, the experienced sense of openness of that countryside setting to the village from that footpath through and extending eastwards from the site is impeded to varying degrees by the sense of vehicles moving along the B480, both visually and audibly.

52. I note that the South Oxfordshire District Council and Vale of White Horse District Council Landscape Character Assessment 2024 has updated the South Oxfordshire Landscape Character Assessment 2017 that was considered at the previous appeal for this site, albeit I have no substantive evidence of any significant changes to the landscape in the vicinity of the appeal since that appeal. Those key characteristics shared with the appeal site, relate to LCA 12C: Eastern Middle Vale and include it being part of the low-lying, gently rolling landform with associated valley landforms and riparian vegetation, which add landscape and ecological diversity; a moderately wooded landscape with several small, scattered blocks of woodland; predominantly under large-scale arable cultivation, although there are smaller-scale areas of pasture concentrated around settlements and adjacent to watercourses; hedgerow boundaries are variable; open character enabling long distance views towards the National Landscape to the south-east; rural character with some localised intrusion from built development; tree cover around infrastructure having a screening function which limits the urbanising influence of the developments; and smaller scale fieldscapes around watercourses with intimate, pastoral and tranquil character contrast with the larger open arable farmland that dominates much of the area.

53. I also note that the Chalgrove Design Guidance and Codes, February 2025 has been published since the previous appeal in which the site is identified as part of the village's hinterland and not anticipated for development.

54. The site lies approximately 200 metres from the valued landscape comprising the Chiltern Chalk Escarpment Footslopes Local Landscape Designation (the LLD) to the east of the site, as identified in the Local Landscape Designation Review of South Oxfordshire and Vale of White Horse, September 2024, also published since the previous appeal. There is therefore a degree of separation between the site and that local designation, and the southern part of the site also has that belt of trees along its eastern edge which provides visual separation. Nevertheless, the northern part of the site in particular is exposed to and very similar in nature to the field immediately to its east, including part of the LLD, and there are open views from and into the northern section of the site particularly from the footpath through that adjacent field.

55. Similar open views of that northern part of the site can be had from the B480 to varying degrees and from vantage points further afield, including footpaths to the south-east, albeit again to varying degrees due to differing extents of screening or softening by intervening trees. The varying extent to which existing development, including Monument Park, can be seen beyond the site to the north from southern and south-eastern vantage points also contributes to the context to a degree as viewed from those points.

56. The proposed development would inevitably change the character and appearance of the site and further increase the size of the village away from its centre. It would substantially reduce the site's pleasant open rural nature, also in the context of the

village's setting, given the change from open agricultural land to housing and associated features. Nevertheless, the majority of housing would be located on the northern part of the site where there is the greater influence of the B480 and consequent reduced level of tranquillity.

57. The proposal would relate locationally to the existing settlement in terms of being adjacent to it. Nevertheless, that change referred to above would be accentuated by the separation from the adjacent Chalgrove Meadows development by the strong visual feature defining that edge of the village, comprising the existing tree belt which would remain, albeit with that reduced screening effect in the months of leaf fall and beyond its northern end referred to previously.

58. The proposals would also extend the manner in which the village has become significantly more linear in form alongside the B480 following more recent housing developments on the east and west sides of the settlement. The required new road junction, whilst just a T-junction, would further draw attention to that circumstance. However, because of that existing linear development pattern, the proposals would not appear as an alien feature in that particular context.

59. The block of woodland extending across a significant part of the middle of the site would be retained. The proposals indicate the opportunity for a pedestrian route through it but I have no substantive evidence to indicate that this would significantly alter the nature of that woodland generally. The immediate setting of that woodland would inevitably be significantly altered with the presence of the proposed housing close to it, albeit with the indication of a degree of separation by a narrow buffer of open space. Nevertheless, it would serve to reinforce the confinement of the largest proportion of the proposed housing to the northern part of the site nearest the B480, away from the existing more tranquil environment to its south and relating to Chalgrove Brook.

60. It may still be possible to see proposed housing in the north-eastern corner of the site from vantage points on the slightly raised ground to the south-west of the site, albeit likely to be confined to the tops of houses. However, that would be from some distance away and where the views would be in the context of existing development to the north of the B480 seen beyond to varying extents.

61. Whilst hedgerow along the site's northern boundary would be significantly affected by the proposed new access and associated visibility splays, it is generally of poor quality, and it is indicated that this would be replaced with new hedgerow planting behind the line of the visibility splays. On maturity, that would therefore be likely to contribute to softening the visual effects of the proposed development.

62. The proposed housing on the northern part of the site would be clearly visible from the stretch of the B480 in front of the site, and on its close approaches, albeit in that respect it would not be a particularly alien feature in the existing context of the neighbouring Chalgrove Meadows development, notwithstanding their separation by the existing tree belt. That northern frontage of the proposed development would also be visible in that context from nearby vantage points to the north of the B480, albeit to varying degrees due to the significant degrees of intervening vegetation screening or softening.

63. That proposed housing on the northern part of the site would also be clearly exposed, at least initially, in views from nearby eastern and south-eastern vantage points, including from the LLD, where not screened by intervening vegetation. In

that respect, the eastern site boundary to that northern part of the site currently only comprises an immature line of small hedge plants which does not therefore currently represent a distinct boundary feature either. Furthermore, there is no indication of any intended lessening of housing density on the eastern side of the site.

64. However, new planting is proposed on that eastern boundary which would be likely to soften the appearance of the development over time once matured, albeit unlikely to be for a number of years. Such a tree line, as opposed to the existing very immature hedge planting along that boundary, would itself interrupt the open nature of those fields close to the B480 extending from the site eastwards. Nevertheless, it would not appear as a particularly alien feature in the context of that existing tree line to the east of the southern part of the site.

65. The change to the character and appearance of the site and its environs would also be clearly evident at the southernmost part of the site, closest to the currently tranquil environment relating to Chalgrove Brook, particularly from the footpath through the site. That would include more activity and noise in the vicinity of the brook. That element of the proposals would also be visible to some varying extent, due to the intervening trees, from vantage points to the south-west, particularly on the Shakespeare Way where not screened by mature hedgerow alongside that path.

66. Nevertheless, housing spilling into that southern area of the site would be confined to the north-west part of that area, set away from the brook to varying degrees. As such, that immediate open nature of the brook's setting would be largely retained, albeit with proposed new open space at the southern end of the site and landscaping within it, separating the brook from the proposed housing area, including intended complimentary planting. Furthermore, the existing tree belt on the eastern side of the southern part of the site would be retained with clear separation from the proposed housing. Views towards that tree belt from the footpath would therefore also be largely retained, albeit in the context of the proposed play areas, allotments, and new open space planting. From further viewpoints to the south-west, that southern part of the site would be more likely to be softened or screened by intervening vegetation.

67. Long range views towards the proposed development from the east, including from the Chilterns, would be significantly influenced by distance, any intervening vegetation, and the context of wide ranging views taking in various pockets of development. As such it is unlikely that there would be any harm caused to such views.

68. In terms of any impacts of proposed off-site works on the character and appearance of the area, I note the intended replacement of part of the grassed area on the island at the junction of Monument Road and High Street with a footway to provide pedestrian connection to the southern side of High Street. However, that would only be a short additional section of hard surfacing. In the context of the significant degree of grassed area that would remain on that island area and in the vicinity of that road junction generally, those works would be unlikely to cause unacceptable harm to the character and appearance of that part of the village.

69. For the above reasons, I conclude on this issue that the proposed development would harm the character and appearance of the surrounding area. As such, in

respect of this issue, it would be contrary to policies ENV1, STRAT1 and H1 of the Local Plan and C1 of the CNDP which together, amongst other things, set out that South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development and that development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of that landscape; and that residential development on sites not allocated in the Development Plan will only be permitted where certain criteria set out in policy H1 is met, the site concerned not relating to any of those criteria; and that proposals for residential development outside the built-up area of Chalgrove will only be supported if it is necessary or suitable for a countryside location and is consistent with development plan policies.

70. However, also for the reasons set out above, the extent of that harm would at a moderate level, which I shall consider further in the planning balance.

Housing land supply

71. Paragraph 78 of the Framework sets out, amongst other things, that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (5-year HLS) against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In this case it is not disputed that the Council cannot demonstrate a 5-year HLS and that as the adopted Local Plan is now more than five years old the supply should be provided against the local housing need, calculated using the standard method.

72. The difference between the Council and Appellant on this matter relates to the disputed deliverability of 15 sites and I have no substantive basis to consider otherwise. As such, in relation to a five year requirement plus required 5% buffer of 6,484 homes equating to 1,297 per annum, the Council considers there to be 4.39 years' worth of supply whilst the Appellant considers it to be 3.13 years. I have had regard to the evidence of both parties taking account of the Framework's definition of 'deliverable' in this context and considered each of the disputed sites below.

<u>Site 1, Land north of Bayswater Brook</u>

73. Planning permission was granted in November 2025. No reserved matters (RMs) application has been submitted as there are some pre-reserved matters conditions that would need to be discharged. Nevertheless, I understand from the Council that the applicant is intending to submit applications for the discharge of pre-commencement conditions from the first quarter of 2026. Furthermore, in relation to the condition requiring a Design Code, I note that the planning application has already included a very detailed Design and Access Statement. I acknowledge that there is no updated position submitted directly by the developer in relation to the timescales for submitting those conditions. However, the Council's trajectory is cautious, compared to that of the developer, pushing first completions back a year. On that basis and given the circumstances referred to above, 225 dwellings should remain within the 5 year HLS.

74. The Council and Appellant dispute whether this site should be included in the 5-year HLS on the basis that it relates to Oxford's unmet need. I shall consider this further in my conclusions on this main issue.

Site 2, Land to the north of the A4130, Didcot

75. Whilst full planning permission remains to be granted relating to the proposal concerned on this allocated site, progress has been made, with the draft officer report prepared and a s106 Agreement being finalised, and with no outstanding issues in respect of statutory consultees. I note that at the Bayswater appeal[3] my colleague was told then that the planning application was being written up for approval, and that it is now approximately 10 months on from then. Nevertheless, there appears to be some more certainty now in respect of when the decision will be issued following amendments to the draft s106 Agreement. Furthermore, the trajectory has year 5 as a fall back. Given the circumstances referred to above, 168 dwellings should remain within the 5 year HLS.

Site 3, Land at Ladygrove East

76. No longer disputed.

Site 4, Didcot Gateway South

77. An outline application for 144 dwellings was submitted in February 2022 and remains under consideration. I understand that all outstanding issues have been resolved apart from in relation to the level of affordable housing provision, about which discussions are ongoing, although with no clear evidence as to any progress made. Uncertainty therefore remains around that matter. There is also no indication of any progress in securing a delivery partner for the development. The Council has indicated a decision date at the end of the 2026/27 period, to allow some flexibility, which would be approximately a year on from now, and first completions in 2029/30. However, no information has been provided from the applicant in relation to anticipated start date and build-out rates. For those reasons, there is no substantive basis for indicating a likely decision date or when first completions will occur, even with some built in flexibility. Given that current position, there is not clear evidence that any housing completions will begin on the site within the five year period. The 94 dwellings should therefore be removed from the 5 year HLS.

Site 5, Wallingford Site E, Land north of A4130

78. The Council's 5 year HLS on this site relates to three phases of an outline planning permission for 502 homes. Phase 3 relates to 209 dwellings, the subject of a RM application which remains to be decided. There are outstanding matters arising from consultee responses and I note that additional information and amended plans were submitted in November and December 2026. Whilst the Council is assuming a determination of the application by the end of March 2026, there is no clear indication as to whether those recent submissions are likely to be adjudged to have addressed the outstanding issues, albeit indicating the developer's commitment to resolving them.

79. Phase 5 relates to a full application for 65 homes and a medical centre which was submitted in June 2025. However, there remain outstanding issues relating to technical matters and the provision of affordable housing arising from consultee comments. Furthermore, a section 73 application to vary the approved parameter plans concerning land originally intended to accommodate a school is still under

[3] Appeal Ref. APP/G3110/W/24/3353532 Land at Bayswater Farm, Bayswater Farm Road, Oxford, OX3 8EB

consideration and again I have no clear indication as to the likely outcome or timescales for that.

80. Phase 4 relates to the final residential parcel that has outline planning permission. However, a RM application remains to be submitted relating to the proposed care home. Whilst anticipated sometime in 2026, there is no more information to indicate more precisely when such an application would be likely to be made. There is also no indication as to whether or not there are likely to be any issues arising from that which could delay determination.

81. For these reasons, despite there being multiple phases and a developer already building on the wider site, there is not clear evidence that any housing completions will begin on phases 3, 4 and 5 within the five year period. As such, the 237 dwellings should be removed from the 5 year HLS.

Site 6, Land to the south of Newnham Manor, Crowmarsh Gifford

82. Whilst full planning permission has not been granted, this relates to the need to complete the s106 Agreement. That was delayed due to the need to provide school land as part of the application, but which I understand from the Council has now been resolved such that the s106 is anticipated to be completed very soon. It is no longer the case that the implementation of the planning permission is tied to any reserved matters approval.

83. It is also apparent that pre-application work relating to the reserved matters that would follow any permission relating to the outline element concerning the school, has progressed successfully in terms of ensuring that all stakeholders are content that the scheme can be delivered. Whilst there will be a number of pre-commencement conditions to address, I understand that these have been agreed by the applicant.

84. The Council's trajectory has built in some flexibility and is based on average build out rates of 54 homes per annum for sites of this size. Furthermore, with that only leaving the final 15 homes to be completed in 2029/30 there is some scope for slippage into that year. For the above reasons, the 100 dwellings should remain within the 5 year HLS.

Site 7, Land west of Fair Mile

85. No longer disputed.

Site 8, Miss Tomb's Field

86. This relates to a hybrid planning application including commercial development as well as the proposed 55 dwellings. I understand that outstanding matters have all been resolved and that work is now being undertaken on the wording of conditions, with an expected decision by the end of March 2026. Additionally, I understand from the Council that the proposed provision of a quantum of housing above that in the allocation is an accepted position in this case.

87. I note that the provision of the commercial element is included in the Neighbourhood Plan allocation, such that there would be an expectation for it to be implemented along with the housing. I have no substantive basis to consider that such commercial provision would not come forward. Furthermore, I heard from the Council that there is the intention to tie the implementation of the employment

provision into the permission but not in an early phase. As such that factor would be unlikely to disrupt the implementation of the housing element.

88. The delivery in the Council's trajectory is aligned with the developer's expectations and signed proforma. That indicates that all completions would be prior to year 5 such that there would be provision for slippage in the trajectory were that to occur. For the above reasons, the 63 dwellings should remain within the 5 year HLS.

Site 9, Land south of Appleford Road, Didcot

89. There is outline planning permission for 150 dwellings approved in November 2022. A reserved matters application for 145 dwellings was submitted in October 2025 just before the expiry of the outline consent and I understand that no objections have been raised by the Parish Councils. However, more detailed plans for the landscape elements of the Nature Park are awaiting submission and there is no clear indication as to when that will be, notwithstanding the Council's anticipated determination by the end of February, beginning of March. Furthermore, it is unknown as to whether or not those plans will be found acceptable following the re-consultation process referred to by the Council.

90. Additionally, there is not a housebuilder on board, albeit that the process towards this is ongoing. As such, there is no evidence either way as to whether or not such a housebuilder would be likely to want to alter the detailed scheme, with implications of potential delays associated with seeking approval for that and subsequent implementation.

91. For the above reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 125 dwellings should therefore be removed from the 5 year HLS.

Site 10, Community Hub, Didcot

92. This relates to a full planning application submitted on April 2023 for 45 dwellings, a community hub, primary school, and a village green. Furthermore, the proposal has delegated approval subject to the signing of a s106 Agreement, albeit I understand that there is no delegated report on the Council's application portal and no details of the required s106 contributions. However, the applicant has raised viability concerns in relation to the existing s106 requirements, albeit I understand that not to have been the case when a previous developer partner was on board. It is therefore unclear as to how this situation will be resolved and whether the new developer will be able to satisfactorily address this matter.

93. I acknowledge that the Parish Council has confirmed the importance of the scheme to the village, thereby demonstrating clear commitment to progressing the development. Nevertheless, and notwithstanding the Council's trajectory taking into account delays thus far, for the above reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 45 dwellings should therefore be removed from the 5 year HLS.

Site 11, Wallingford Road, Goring

94. A resolution to grant full planning permission for a net of 43 homes on this allocated site, subject to completion of a s106 Agreement, was made in September 2024. Progress has been made on the s106, which is being drafted with the Council expecting its completion by April 2026, albeit that the developer has not provided

updated responses in a trajectory proforma. It appears that previously in 2024 it was indicated that the lead in time would be 2 years. In this respect, the proposals include significant earthworks which would be likely to increase the lead in time and I also note that there are a large number of conditions to discharge, including some pre-commencement.

95. The Council has now adopted a trajectory based on the average lead in time for a site of this size from planning permission, assumed to be by April 2026, to first completions of 0.8 years albeit erring on the cautious side and indicating the latter to be July 2027. Whilst that does not amount to the 2 years previously indicated, there would remain some degree of fallback into 2029/30, with there only being the remaining 9 dwellings currently in that fifth year. Average build out rates have also been adopted of 17 homes per annum. For the above reasons, the 43 dwellings should remain within the 5 year HLS.

Site 12, Land north east of Didcot

96. This relates to a full planning application for a 66 bed care home, equivalent to 35 homes, on part of a wider allocation on which there is outline consent for 2030 dwellings, with 1323 having detailed consent. Planning permission remains to be granted, although I understand that there remain no outstanding issues and that the s106 Agreement is being finalised. Furthermore, this proposal is reliant on site 2 referred to previously, which is similarly progressing. The Council's trajectory, based on average lead in times for a site of this size, and assuming that planning permission is granted shortly, would see completions within 2027/28. However, as it is a flatted development, completions would be likely in one phase. I note that the 2025 trajectory proforma has not been signed by all parties, but even if there were to be some slippage there is scope for fall back into 2028/29 and 2029/30. For the above reasons, the 35 dwellings should remain within the 5 year HLS.

Site 13, Land to the north east of Didcot

97. This relates to RM applications for 64 dwellings, that has now been granted, and 311 dwellings, awaiting determination, and an outline permission for 178 dwellings, again all on part of the wider allocation referred to in relation to sites 2 and 12. It is agreed by the Council and Appellant that the 64 relating to the first of those should be included in the 5 year HLS and I have no basis to find otherwise.

98. In relation to the second proposal, more time than the average has been needed to address technical stakeholder comments, and it remains the case that the additional information submitted is currently under consideration. I have no indication as to whether or not that is likely to address the outstanding matters, however the Council in September 2025 mentioned that the objections related to minor changes, alterations or updates to technical studies. As such, the Council anticipate a decision by the end of March 2026. Based on delivery rates for other developments on the wider site, first completions would then be likely at the beginning of 2027/28. In terms of build out rates, the developer has not provided any information. However, based on other development on the wider site and having regard to it being a large development, I have no substantive basis to find differently to the Council's projected 100 dwellings per annum, and that 290 of the 311 homes would be completed in the 5 year period.

99. For the third proposal for 178 dwellings, no RM application has been submitted, and there is no indication from any developer as to when that is likely to be,

notwithstanding that the proposal relates to the large wider site for which there have been several RMs each year and the Council anticipating a submission in 2026/27. There would also be the potential, without any information to say differently, for technical issues, and subsequent delays, to arise from any RM. For those reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 144 of the 178 dwellings that the Council forecast for completion in the 5 year period should therefore be removed from the 5 year HLS.

100. In total for site 13, 354 dwellings should therefore be retained in the 5 year HLS and the remaining 144 removed.

Site 14, Reserve Site F

101. Planning permission remains to be granted on this site allocated for housing in the Neighbourhood Plan, having been submitted in December 2023. However, I understand that all outstanding matters have now been addressed, that a delegated officer report has been drafted and detailed heads of terms of a s106 Agreement been agreed. It is anticipated that planning permission will be issued by the end of March 2026.

102. The build out rate based on that for sites of this size aligns with that of the developer. The Council's trajectory is based on the average lead in times which, based on the above decision date, would indicate first completions in approximately August 2027. It may therefore not be the case that a full 50 homes would be completed in the 2027/28 year. However, there would remain scope for some slippage into 2029/30 which currently only includes the last 11 homes, even if there were to be some other small delay in the process. For the above reasons, the 111 dwellings should remain within the 5 year HLS.

Site 15, Land off Pyrton Lane, Watlington

103. No longer disputed.

Site 16, SCNDP site SON 15: Chiltern Edge Top Field

104. Planning permission remains to be granted on this site allocated for housing in the Neighbourhood Plan, having been submitted in November 2024. I understand that whilst there remain outstanding highways and drainage matters, these are considered to be minor and expected to be addressed by the amended and additional material submitted in January 2026. Nevertheless, that material is still being consulted upon and there is no clear indication that the matters will have been addressed.

105. The main issue on this site relates to the mitigation for the loss of playing field land. Separate planning applications have been submitted to address this. Whilst I understand that there is a resolution to approve one of those, relating to a new 3G pitch, there is no clear indication as to the outcome or likely outcome relating to that for sport mitigation measures under planning application Ref. P24/S3635/FUL.

106. Furthermore, whilst I understand that a s106 Agreement has been prepared by the Council relating to various matters, this remains to be shared with the applicant's solicitor, albeit anticipated to be done shortly. There is therefore no clear indication that the content of the s106 is in an agreed form. I also note that Sport England have an outstanding objection that they will remove once a s106 has been finalised

to address its concerns, and there is no clear indication that the current draft s106 does that or again that it is agreed by all parties in this respect.

107. The Council's trajectory adopts an average lead in time to first completions for sites of this size which was confirmed verbally as being approximately 3 years for full applications, along with an average build out rate of 38 homes per annum, which takes the completions to the end of the 5 year period. However, in light of those outstanding matters remaining to be resolved in this case, there is not clear evidence that any housing completions will begin on the site within the five year period. The 50 dwellings should therefore be removed from the 5 year HLS.

Site 17, Woodcote NDP Site 30: Church Farm

108. This relates to an outline application for 30 dwellings on a site allocated in the Neighbourhood Plan, submitted in July 2023. Whilst the average lead in times for sites of this size indicate approximately 4 years from submission of an outline application to first completions, it is now approximately 2.5 years into that period without outline permission having been granted. It is also with all matters reserved accept for access, leaving significant matters yet to be considered at the RM stage. There also remain some technical consultee comments to be addressed in relation to the outline application, albeit I understand are likely to be dealt with via a s106 Agreement which I understand is almost finalised, and/or the RMs.

109. Notwithstanding the above, the Council's trajectory, based on average lead in times, shows first completions in July 2027, the developer saying 2027. The Council has used an average built out rate of 17 homes per annum and is indicating the full 17 in the first year of completions. However, as those first completions are not likely until well into 2027 there is a likelihood of slippage. I also note that the developer expects the RMs to be submitted within 12 months of outline planning permission. There would then be a period for determining the RMs, such that any decision and subsequent first completions would not be likely until well into 2027/28 at the earliest. That is also assuming that there are no significant issues that arise with the RMs, or in respect of third party land relating to highways land that the Council is aware of. Time would also be needed to discharge any conditions.

110. For the above reasons, there is not clear evidence that any housing completions will begin on the site within the five year period. The 30 dwellings should therefore be removed from the 5 year HLS.

Site 18, JHHNDP Site E: Empstead Works/Stuart Turner

111. A full planning application for 57 dwellings was submitted in October 2025, relating to this site allocated in the Neighbourhood Plan for mixed use development including housing. Pre-application discussion and public consultation has taken place, a number of technical reports have been carried out and there is a signed written agreement by the applicant and Council relating to the trajectory for the development of the site. Together, this demonstrates a commitment to bring the site forward. Nevertheless, it remains the case that planning permission was refused in December 2025, with a number of reasons for refusal.

112. Meetings have recently been held to discuss how to overcome the various concerns and the Council mentions that the applicant is working rapidly to address the issues, and that a revised application is likely by spring 2026. However,

notwithstanding the applicant's commitment, there is no substantive evidence to indicate the extent to which such a revised planning application would be likely to satisfactorily address all of those reasons for refusal or that more time would not be needed to do so prior to submission. As such, despite the Council's cautious trajectory, there is not clear evidence that any housing completions will begin on the site within the five year period. The 21 dwellings should therefore be removed from the 5 year HLS.

Conclusions on 5 year HLS

113. Based on the above findings, I have deducted 746 dwellings from the Council's claimed 5 year HLS of 5,688 dwellings. This reduces the supply to 4,942 dwellings against the requirement for 6,484, amounting to 3.81 years' worth of supply, which represents a deficit of 1,542 homes.

114. I have had regard to whether the dwellings relating to site 1 should also be removed due to it relating to Oxford's unmet need, which would reduce the supply to 4,717 dwellings, amounting to 3.64 years' worth of supply, representing a deficit of 1,767 homes. However, I have also had regard to the Council's position that if it was not included it would not be accounted for anywhere.

115. Depending on whether site 1 is disregarded, the Council's housing land supply is therefore either 3.64 or 3.81 years' worth. That difference in itself is not significant, albeit amounting to 225 homes, such that I have not needed to conclude on whether or not site 1 should be disregarded. However, whether the supply is 3.64 or 3.81 years' worth, the shortfall is still significant ranging from 1,542 to 1,767 homes. I shall consider this further in the planning balance.

Other Matters

116. I have had regard the matter of flood risk and drainage and whether the proposed development would be likely to exacerbate existing problems. In this respect, the site is located in Flood Zone 1 and therefore of lowest risk of flooding from rivers and watercourses. Furthermore, whilst noting concerns about the runoff resulting from buildings and hard surfacing where there is currently only a field, I have no substantive basis to consider that this could not be controlled though appropriate measures, including provision for an attenuation basin and flow regulation of surface water drainage from the site, taking account of the site being above clay. Such measures could be ensured and controlled through conditions. I therefore have no substantive basis to consider that the proposals would be likely to exacerbate existing local flooding problems. Furthermore, I note that the Environment Agency, the Council's Drainage Officer and the Lead Local Flood Authority raise no objections subject to conditions.

117. In terms of foul drainage, I have no substantive basis to find that the proposed development would be served by inadequate infrastructure, or that there would be additional local pollution or flooding arising from it, noting that Thames Water has withdrawn its original objection. Furthermore, submission and implementation of a detailed foul drainage scheme to ensure acceptable provision could be secured by condition.

118. The development of this green field site would inevitably affect the site's existing ecology to some degree, albeit that boundary tree features would be retained, with protection during construction that could be secured by condition. Updated species

surveys would be required. However, there is sufficient certainty from the submissions to date that the proposals would not cause fundamental harm to the site's ecology subject to the reserved matters taking account of the results of updated ecology surveys and for the inclusion of measures to enhance biodiversity, which could be secured by condition. Intended measures to prevent pollution of the chalk stream could also be secured by condition, along with their ongoing management and maintenance.

119. There would the loss of Grade 3 agricultural land which could potentially be classified as best and most versatile agricultural land (BMVAL). In this respect I note that policy DES7 of the Local Plan sets out that new development is required to make provision for the effective use and protection of natural resources where applicable, including, amongst other things, avoiding the development of BMVAL, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality.

120. I have also taken account of the Framework which states in paragraph 187 that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Local Plan policy DES7 is therefore broadly consistent with the Framework with regard to this matter.

121. I note that no clarifying evidence has been provided by the Appellant as to whether the site does actually comprise BMVAL, albeit not requested by the Council at the application stage. Nevertheless, even were it to be of such a classification, I have no substantive evidence to indicate that the extent of loss would significantly reduce the overall provision of such land in the wider area. As such, it is likely that limited harm would be caused by the loss of what could potentially be BMVAL in this case.

122. In terms of highway safety and capacity, the Appellant has submitted a Transport Assessment. That demonstrates that there would be sufficient capacity to accommodate the additional traffic from the proposed development on the network, and that the proposals would be acceptable in terms of highway and pedestrian safety, including the site access from the B480, and in the wider local area. That would be subject to appropriate conditions and planning obligations that are referred to below. Furthermore, I note that the Local Highway Authority raises no objections to those various conditions and planning obligations, and I have no substantive basis to find otherwise.

123. Furthermore, the proposed new footway/cycleway running between the site and the junction with Francis Brown Way would include construction over an existing drainage ditch. I have no substantive evidence to indicate that this could not be satisfactorily be achieved, subject to detailed design, nor that it would unacceptably impact on drainage. There is also no substantive evidence to indicate that the formation of that footway would have a harmful effect on the amenities and security of residents of Chalgrove Meadows fronting onto it, especially given the degree of separation.

124. I note that it is common ground between the Council and Appellant that the site is located in an area of archaeological interest, settlement and associated activity of

primarily prehistoric and Romano-British date, and potentially of later medieval or post-medieval periods. The Appellant has undertaken an assessment that incorporates the results of a geophysical survey of the site and a trenched evaluation caried out on the site. I note that Oxfordshire County Council's Archaeological Services are satisfied that whilst the work to date has clearly demonstrated that the site contains below ground archaeological remains, they are not considered to be of a significance that would preclude or constrain development, albeit requiring further investigation and recoding ahead of any such development. It is common ground between the above parties that such mitigation could be secured by conditions, and I have no substantive basis to find differently. As such there would be no harm caused in respect of the site's archaeological interest.

125. There is a gas pipeline that crosses the site. However, the proposals have been designed to accommodate it, together with its buffer zone.

126. In terms of any impacts of the proposed development during its construction on the living conditions of neighbouring residents, this could be controlled by securing the submission and implementation of a Construction Method Statement and Traffic Management Plan (CMSTMP) through a condition. Furthermore, there is no substantive basis to indicate that the proposed construction works would cause damage to any existing properties, such as due to pile driving activity, and the CMSTMP would include measures to control vibration during construction.

Conditions and planning obligations

127. The Council has provided a schedule of suggested conditions in the event of the appeal being allowed which I have considered in the light of advice in the National Planning Practice Guidance. The Appellant has commented upon that schedule and the two parties have reached agreement on its content following further discussion and some suggested amendments during the course of the Inquiry. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.

128. Notwithstanding the Inquiry discussion, I have amended condition 7 to ensure the submitted surveys are approved in writing by the local planning authority. I have also amended condition 26 to make it clear that it relates to the issue of contamination.

129. The standard conditions (1, 2 & 3) would be necessary to secure the submission of the reserved matters, which shall demonstrate broad accordance with the Development Framework Plan (CSA/5776/111 rev A), and to set the timescales for that and the commencement of development. In terms of the timescale for submitting the reserved matters, I have had regard to the representations concerning whether this should be 18 months or 2 years. To enable sufficient time for the site to be fully marketed and given the overall timescale for commencing the development, it is appropriate for the reserved matters to be submitted not later than 2 years in this case. Additionally, for certainty, it would be reasonable to include a condition (5) setting out information needed for inclusion with the reserved matters; also including the stipulation for the proposed dwellings to have a maximum of two storeys, in the interests of the character and appearance of the area. For certainty, a condition requiring the development to be carried out in accordance with the approved plans would also be necessary (4).

130. In the interests of securing an appropriate housing mix on the site and to facilitate a balanced community, it would be necessary to include a condition requiring the submission, approval and implementation of a housing delivery document (6).

131. In order to protect local ecological interests, the following conditions would be necessary, to secure the submission, approval and implementation of: updated protected species surveys (7); a biodiversity enhancement plan (8); a construction environmental management plan for biodiversity (13); and an Ecology Management Plan (22).

132. In the interests of the character and appearance of the surrounding area, it would be necessary to secure the submission, approval and implementation of: a landscape management plan (9); a scheme for the landscaping of the site (10); and measures to protect retained trees during construction, also in the interests of local ecological interests (20).

133. In the interests of environmental sustainability, conditions would be necessary to secure: appropriate cycle parking facilities, also to promote travel by means other than the private car (11); the submission and implementation of an energy statement, relating to a reduction in carbon emissions (12), and associated verification report (23); a scheme for providing electric vehicle charging points (17); and submission and implementation of a Travel Plan together with provision of an associated travel information pack for first residents (28).

134. In order to protect the amenities of existing and future local residents it would be necessary to secure the submission and implementation of a Construction Method Statement and Traffic Management Plan, also in the interests of highway safety (14); and to restrict the hours of construction (30). Also in the interests of highway safety it would be necessary to secure the proposed means of access to the site, including visibility splays, prior to first occupation (27).

135. To ensure that any features on the site which are of archaeological interest are properly recorded, a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation would be necessary (15 & 16).

136. To ensure acceptable drainage for the proposed development, conditions would be necessary to secure the submission and implementation of: surface water drainage works, comprising a detailed sustainable drainage scheme, also in the interests of preventing exacerbation of flooding locally and to protect the chalk stream priority habitat (18), and associated compliance report (25); and a detailed foul drainage scheme, to prevent pollution and flooding (19). It would also be necessary secure measures to ensure sufficient water supply (29).

137. In order to protect prospective residents and the local environment from the effects of any contaminated land on the site, conditions would be necessary to secure appropriate risk assessment and any necessary investigation and remediation work (21), and associated validation report (26); and measures for investigating and remediating any unsuspected contamination encountered during construction (31).

138. In the interests of the amenities of prospective residents of the proposed development, to contribute towards sustainable living and to enable home working, it would be necessary to secure the means for connecting dwellings to the utilities to be provided on the site for facilitating superfast broadband (24).

139. Planning obligations are set out in the s106 Agreement, dated 27 November 2025, that would secure covenants relating to:

- A minimum of 40% affordable housing provision, comprising 40% affordable rented, 35% social rented, 19% shared ownership and 6% first homes. Such provision would be necessary to meet local needs and, notwithstanding more detailed design and layout considerations at reserved matters stage, would accord with policy H9 of the Local Plan relating to affordable housing. It is disputed as to whether the mechanism at section 7 of the first schedule of the s106 Agreement, relating to affordable housing provision, concerning a clause enabling amendment to the affordable housing scheme, should be included in the planning obligations. I address this matter below following the consideration of all of the other obligations.

- Provision and management of on-site open space. This relates to the part of the development identified, and shown indicatively on the Development Framework Plan, as public open space comprising allotments; equipped children's play areas relating to a locally equipped area for play (LEAP) and a neighbourhood equipped area of play (NEAP); sustainable urban drainage area (SUDs); and public amenity space comprising informal and formal areas of open space, excluding the allotments, play areas and SUDs. This would be in accordance with policy CF5 of the Local Plan relating to the provision of open space, sport and recreation in new residential developments, and would be necessary in the interests of the amenities, health and well-being of prospective residents. The planning obligations include specific provision for an orchard, again shown indicatively on the Development Framework Plan. Whilst not a specific policy requirement, it would form a part and contribute to the quality of the necessary amenity greenspace on the site relating to policy CF5 and provide habitat in relation to the biodiversity of the site.

- In the event of my finding that there would be insufficient capacity in Chalgrove Primary School for prospective pupils arising from the proposed development, a financial contribution towards primary school transport to other local schools would be necessary. The planning obligations make provision for either 3 or 7 years' worth of such contributions, depending on my previous findings on this matter. In light of those findings, it would be necessary to make provision for 3 years' worth of contributions. As such, that would accord with policy INF1 of the Local Plan which, amongst other things, sets out that new development must be served and supported by appropriate off-site infrastructure and services. I therefore find that the element of the planning obligation relating to 7 years' worth of School Transport to be unnecessary, such that I have not accounted for it in my decision.

- Appropriate financial contributions to mitigate the impact of the proposed development in respect of early years, secondary and SEND education. Such contributions would be necessary to mitigate the likelihood of otherwise insufficient capacity relating to those respective elements of local education provision. As such, those contributions would again accord with policy INF1 of the Local Plan as they would facilitate appropriate off-site infrastructure and services.

- Appropriate financial contribution to mitigate the impact of the proposed development in respect of the additional street name plates that would be generated, and thereby necessary and in accord with Local Plan policy INF1 which sets out that infrastructure, required as a consequence of development, will be sought and secured through planning obligations.

- Appropriate financial contributions towards provision of waste and recycling bins, which would be necessary in terms of waste management and encouraging sustainable recycling, and in accordance with policies EP3 and INF1 of the Local Plan which together, amongst other things, requires provision for adequate facilities for the sorting, storage and collection of waste and recycling; and towards the cost of the expansion and efficiency of household waste recycling centres serving the site, necessary due to currently operating at over-capacity, again in accordance with policy INF1 of the Local Plan.

- Appropriate financial contributions towards the cost of retaining the existing frequency of the number 11 bus service, upgrading and adding additional infrastructure to the two nearest bus stops to the site, and monitoring of the required Travel Plan; all necessary to encourage the use of public transport as an alternative to private car use, to reduce private car journeys and to enable those without a car to reach local services, in accordance with policies INF1, TRANS2, TRANS4 and TRANS5 of the Local Plan which together, amongst other things, relate to promoting sustainable transport and accessibility.

- Provision for Biodiversity Net Gain (BNG) in accordance with policy ENV3 of the Local Plan relating to biodiversity and paragraph 187 of the Framework which sets out, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- Provision of highway works including: site access and associated works; new footway/cycleway within the site and continuing alongside the B480 to connect with the Chalgrove Meadows development; pelican controlled pedestrian crossing to upgrade existing crossing on the B480 in the vicinity of the junction with Monument Road; resurfacing and widening of the existing public right of way through the site; and improvements for pedestrians along Monument Way and High Street. Such works would be necessary in the interests of highway and pedestrian safety, and providing connectivity for prospective residents with the existing village on foot, in accordance with paragraph 115 of the Framework which sets out, amongst other things, that it should be ensured that safe and suitable access to the site can be achieved for all users.

140. The amendment clause in section 7 of the first schedule of the s106 Agreement, relating to affordable housing provision, as referred to previously would enable, subject to the Council's approval and having demonstrated reasonable endeavours to secure the current affordable housing mix/tenures, the provision of a revised mix and/or tenures.

141. There are national difficulties in securing Registered Providers (RPs) of affordable housing for schemes. In that climate, I acknowledge that the Council has been

successful in implementing a cooperative process to support developers in securing RPs and to ensure all possible avenues have been exhausted before alternative mixes/tenures are considered. The opportunity for the Council to undertake that process for the current mix/tenures set out in the s106 would remain.

142. However, it cannot be certain that the same success in securing a RP would occur in this case when it came to the time of marketing. There would be an option, in the absence of the clause, for a Deed of Variation of the s106 (DoV). However, the clause provides flexibility, without having to undertake the DoV. Furthermore, the Council would continue to have control over firstly considering whether best endeavours have been undertaken and then as to the proposed amended mix and/or tenures. Whilst not under a formal application process, it would be a transparent process as set out in the s106, and I have no substantive evidence to demonstrate how that would cause problems in terms of monitoring and enforcement resources.

143. I acknowledge that in the event of such a clause being triggered, there could be the risk of dispute, including in the interpretation of "reasonable endeavours", with the subsequent time, cost and resources needed to deal with that. However, that dispute scenario would not necessarily occur, and the clause would have the benefit of built in flexibility. Furthermore, any process involving the seeking of amendment via a DoV could also take up time and resources.

144. For the above reasons, paragraphs 7.2-7.4 of the first schedule of the s106 Agreement, relating to affordable housing provision, should apply in the s106 Agreement.

Harms, Benefits and Planning Balance

Harms

145. I have found that the proposed development would fail to accord with the Council's spatial strategy. In terms of access to local services, facilities and public transport, I have found that the degree of harm in that respect would be limited.

146. I have also found that a moderate degree of harm would be likely to be caused in respect of provision of local primary school education, taking into consideration the various social and environmental implications resulting from the likelihood that some children from the proposed development would have to attend an out of catchment school.

147. Furthermore, I have found that a moderate level of harm would be caused to the character and appearance of the surrounding area.

148. I have also found that there would be likely limited harm caused in terms of the loss of potentially BMVAL.

Benefits

149. Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing upto 160 dwellings towards the District's supply. Furthermore, the proposed housing provision would include the added benefit of a minimum of 40% affordable

dwellings, with an appropriate mix of tenures, in the context of a significant unmet need for such housing in the District.

150. Such housing provision would be in the context of the Council being unable to demonstrate a 5-year HLS, with the current figure standing at what I found to be either 3.64 or 3.81 years' worth. Even at 3.81 years' worth that represents a significant shortfall, amounting to 1,542 dwellings.

151. The Local Plan is no longer in a situation of being recently adopted as opposed to when my colleague made his decision on the previous appeal on the site, finding that it was too early to say in that case that the Local Plan strategy was exacerbating the issue of an adequate HLS. I note that the Council entered into the Oxfordshire Growth Deal and incorporated an ambitious housing requirement into its Local Plan that was well above the minimum housing need figure. That clearly demonstrates a commitment to boosting housing supply.

152. Furthermore, I note the Council's good record of housing delivery and intentions relating to plan lead growth with a focus for development to be in locations consistent with its spatial strategy, including in the Science Vale. I also acknowledge its identification of developments likely to deliver homes beyond the 5-year period but within the remainder of the Plan period, including allocation sites.

153. Notwithstanding that, the emerging Joint Local Plan, even if its examination were to proceed, is not in such a position as to be adopted in the near future, so as to provide for its plan-led growth. There is also no certainty that the Council's plan period housing requirement will be met in full. In this respect, I also note that there is a strategic allocation in the Local Plan for Chalgrove to the north of the village with continued firm commitment from Homes England to progress that, including pre-application engagement with the Council. Nevertheless, there is no certainty relating to that development coming forward, noting that its allocation has been removed in the emerging Joint Local Plan, or in relation to any future planning application decisions.

154. I appreciate that factors relating to poor economic growth, the Covid pandemic, and developer decisions are not in the control of the Council. Notwithstanding that, the Local Plan's housing requirement was considered to be an achievable one. Furthermore, the evidence indicates that the Council has been unable to demonstrate a 5 year HLS in recent years, including since the previous appeal decision for this site. That remains the case for the current base date in relation to the local housing need calculated using the standard method, and it is unclear if that situation is likely to change going forward.

155. There is no certainty as to when any detailed reserved matters (RMs) would be decided should this appeal be allowed, or as to any decision made by the Council on such a RM application, or that the proposals would be implemented if approved, noting that there is no house builder on board. Nevertheless, the Appellant has indicated a willingness to progress the proposals as soon as possible in agreeing to a condition to ensure that any RM application would be made not later than 2 years from the date of my decision were I to allow the appeal. The proposed development would therefore have the potential to deliver homes within the 5 year HLS period.

156. For the above reasons, those benefits relating to the proposed additional housing generally and the affordable dwellings, particularly given the significant shortfall in 5 year HLS, would be very significant.

157. Notwithstanding the change in character of the site that would result from the proposals, they would include a significant amount of new green infrastructure accessible as public open space. Provision for the proposed recreational routes and public open space generally within the site, as shown indicatively on the Development Framework Plan, would have the benefit of providing existing local residents with additional options for walking locally, albeit not within the open countryside. The existing footpath through the site would be retained, which in itself would be a neutral factor, albeit that some benefit would arise from the opportunity expressed in the submissions for it to be upgraded.

158. Provision for equipped children's play areas would be necessary to support the health and well-being of prospective residents of the proposed development. However, due to the likely degree of detachment from existing dwellings in the village, and the presence of an existing NEAP adjacent to the adjoining Chalgrove Meadows development, there is likely to be little benefit to existing residents from such new facilities. The proposed allotments would have the potential for beneficial use by existing as well as prospective new residents. However, the extent to which the former would be the case, and the number of people that would benefit, is unclear.

159. For the above reasons, the benefit afforded to existing residents of providing the proposed public open space would be limited.

160. There would be likely limited benefits to existing residents of the village relating to the proposed off-site improvements to existing pedestrian infrastructure in the village and to bus stops closest to site, and to maintenance of the current frequency of the City 11 bus service.

161. There would be moderate environmental benefit in providing additional tree and other planting and various different habitats on the site, resulting in the scope to achieve BNG in excess of policy requirements.

162. The proposed landscaping at the southern end of the site is proposed to complement the setting of Chalgrove Brook. However, in the context of the existing open countryside setting provided by the site, were the appeal allowed and the proposed development implemented, I consider this to be a necessary but neutral environmental factor.

163. There would be likely economic benefits associated with construction spend, in terms of supporting significant direct and indirect jobs albeit over a relatively short period of time. Furthermore, economically active prospective residents would be likely to contribute to the local economy, but the extent to which that would be the case is unclear. It is likely these would be moderate benefits.

164. In terms of the Community Infrastructure Levy that would be payable, that would be fundamentally to mitigate the proposed development and it is unclear as to the extent to which that, including a proportion to the Parish, would benefit existing residents. Likewise, it is unclear as to the extent to which the planning obligations relating to education provision would have any benefits other than mitigation the effect of the proposed development; or that the New Homes Bonus and Council Tax that would arise from the proposed development would provide net benefits. These are therefore likely to be neutral factors and so attract no weight.

Planning balance

165. Due to the harms that I have found would be caused, as referred to previously, and the associated conflict with development plan policies, including those of both the Local Plan and CNDP, the proposed development would be contrary to the development plan as a whole. That is therefore an important consideration in the context of a plan-led system whereby planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

166. Furthermore, I agree with my colleague in his decision relating to the previous appeal, about the importance of public confidence in the planning system, and that the CNDP is highly valued by local residents, albeit that the Local Plan is no longer recently adopted. I do also acknowledge, in the context of the importance of a plan-led system, that the 15% growth figure set out for Larger Villages in the Local Plan, whilst not a maximum, has been met and noticeably exceeded at Chalgrove.

167. I have also had regard to the Council's submissions relating to the Crane case[4], relating to how conflict with a recently adopted spatial strategy in a neighbourhood plan can constitute an adverse impact even in the absence of other harm and where the Council could not demonstrate a 5 year HLS. Notwithstanding that, it is inevitable that the case in hand does not have exactly the same range of considerations and balances to be made as for the Crane case, and I have determined this appeal on its merits, taking account of all the relevant evidence concerning harms and benefits.

168. Having regard to the Framework as a material consideration, under paragraph 11(d) of that document, in light of the shortfall in the 5-year HLS, the policies which are most important for determining the application are out-of-date. With regard to paragraph 11(d)(i) of the Framework, I have found there to be no substantive basis to consider that the proposals would be likely to exacerbate existing local flooding problems; and that there would be no harm caused in respect of the site's archaeological interest. As such there are no policies in the Framework, that protect areas or assets of particular importance, that provide a strong reason for refusing the development proposed.

169. In light of the above, paragraph 11(d)(ii) of the Framework is triggered. As such, it is necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

170. I have also had regard to paragraph 14 of the Framework which sets out that in situations where the presumption at paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided two criteria apply. Those criteria are that the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

[4] Ivan Crane v SoSCLG and Harborough District Council [2015] EWHC 425 (Admin)

171. In this case the CNDP has recently undergone a review and that new version became part of the development plan on 6 November 2025. As such the first of the above criteria is met. Furthermore, as noted above, Chalgrove has met the 15% growth figure set out for Larger Villages in the Local Plan which was the reason for not including any housing requirement policies or allocations in the new version of the CNDP.

172. The Council and Appellant disagree on the interpretation of paragraph 14(b) of the Framework which does not explicitly address the situation of there being no housing requirement for a neighbourhood plan due to it already having been met. Having regard to that paragraph, there is no outstanding housing requirement to be met for Chalgrove based on the current Local Plan, a situation different to the Edith Weston case[5] referred to by the Appellant. The circumstances here are also different to the other cases referred to by the Council at Shiplake, Cholsey and Chinnor[6] whereby that at Shiplake related to a smaller village, where Local Plan policy does not set out housing requirements for such villages; at Chinnor, related to a situation where there were allocations in the neighbourhood plan; and at Cholsey, referred to an allocation in the neighbourhood plan, albeit also highlighting that Local Plan policy does not countenance development in Cholsey because, through its Neighbourhood Plan, it has already committed to more housing growth than the strategy envisages.

173. Nevertheless, even if I were to apply paragraph 14 of the Framework on the basis that there is no identified housing requirement to be met, notwithstanding the provisions within the emerging Joint Local Plan which remains to be fully examined, the Local Plan and CNDP are now in place in a situation where, since 10 December 2025, the Council's up-to-date housing requirement for decision making purposes is significantly higher than was previously the case. The CNDP clearly does not therefore address that change in circumstances.

174. Even if applying paragraph 14 of the Framework, for all of the reasons given, I find that the adverse impacts of granting permission, also taking account of the varying levels of harm found, including the conflicts with the CNDP, would not significantly and demonstrably outweigh the benefits, having regard to paragraph 11(d)(ii) of the Framework. This outweighs the conflict I have found would be caused with the development plan.

Conclusion

175. For the above reasons, the appeal should be allowed.

A Dawe

INSPECTOR

[5] Edith Weston Parish Council v SoSHCLG and Rutland County Council [2025] EWHC 2908 (Admin)
[6] Shiplake case Ref. APP/Q3115/W/24/3350999; Cholsey case Ref. APP/Q3115/W/22/3296251; Chinnor case Ref. APP/Q3115/W/25/3365193

ANNEX A – CONDITIONS

1. The development to which this permission relates shall be begun not later than whichever is the later of the following dates:

   a) the expiration of three years from the date of this permission; or

   b) the expiration of one year from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. Application for approval of all the Reserved Matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.

3. Details of the scale, appearance, landscaping, layout, and means of access within the site for the development hereby permitted (hereinafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall thereafter be carried out as approved. The submission of reserved matters applications pursuant to this outline planning permission shall demonstrate broad accordance with the Development Framework Plan (CSA/5776/111 rev A).

4. The development hereby approved shall be carried out in accordance with the following approved plans:

   Site location plan CSA 5776 118
   Proposed Access Strategy P25011 001

5. All applications for reserved matters shall include the following information:
   i. An overlay plan showing utilities and services including drainage, lighting columns and tree planting
   ii. Existing and Proposed Levels
   iii. Recycling and waste storage
   iv. Vehicle parking
   v. Garden sizes

   The reserved matters application shall indicate dwellings hereby permitted shall have a maximum of two storeys only.

6. Prior to the submission of reserved matters for residential development, a Housing Delivery Document shall be submitted for approval in writing by the local planning authority. The Housing Delivery Document shall demonstrate the disposition of housing across the whole site and provide the following information:

   a) The number and mix (bedroom size) of market dwellings to be provided including a mix of dwelling types and sizes to meet the needs of current and future households, informed by an agreed housing needs assessment;

b) The number of accessible and adaptable homes to be built to Building Regulations Part M4 Category 2 (all affordable housing and 15% of market dwellings) for both market and affordable sectors and Part M4 Category 3 wheelchair accessible housing (5% of affordable housing).

All affordable housing and 1 and 2 bed market housing dwellings shall be designed to meet the Nationally Described Space Standards.

The development shall be carried out in accordance with the approved Housing Delivery Document as updated and approved in writing by the Local Planning Authority.

7. Prior to the submission of any Reserved Matters or the commencement of any work on site including any site clearance or archaeological investigation, updated protected species surveys shall be submitted to and approved in writing by the Local Planning Authority. The Reserved Matters submission shall then be informed by the approved survey results.

8. Concurrent with the submission of each reserved matters application, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The BEP shall identify dark zones around the central woodland, eastern boundary and southern Chalgrove Brook watercourse, and how the Chalgrove Brook is protected and enhanced as a result of development.

   The BEP shall include:

   a) Details of habitat creation or enhancements (this should cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;

   b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes etc. as appropriate;

   c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;

   d) Selection of specific techniques and practices for establishing vegetation;

   e) Sources of habitat materials (e.g. plant stock) or species individuals;

   f) Method statement for site preparation and establishment of target features;

   g) Extent and location of proposed works.

   Thereafter, the biodiversity enhancement measures shall be implemented on site and retained in accordance with the approved details. All enhancements shall be delivered prior to the occupation of the 155th dwelling.

9. Concurrent with the submission of each reserved matters, a maintenance schedule and a long-term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall include:

   a) Details of long-term design principles and objectives;

   b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, street furniture within open spaces and any play/youth provision;

   c) A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible for the maintenance of the other areas of the site;

   d) Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.

   The schedule and plan shall be implemented in accordance with the agreed details.

10. Accompanying any application for Landscaping Reserved Matters for the development hereby permitted a scheme for the landscaping of the site, including the planting of live trees and shrubs, details of the tree species and the tree pits and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The tree/s must be planted into site specific tree pits. The tree pits are to be a crated pit design that incorporates technology that will enable tree/s to successfully grow in hard surface environments. The pits must provide the significant quantities of growing medium required to allow the trees to become established and grow on to maturity, sustaining the trees in a healthy condition and allow for ease of maintenance.

    The scheme shall be implemented in accordance with the implementation programme and thereafter be maintained in accordance with the approved scheme.

    In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.

11. Concurrent with the submission of reserved matters application(s), details of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved cycle parking shall be provided before first occupation of each dwelling within the site to which it relates and be maintained and retained at all times.

12. Prior to the submission of any reserved matters for built development, an Energy Statement, including SAP (Standard Assessment Procedure) calculations in line with the recognised methodology set by Government, which demonstrates how the development will achieve carbon reduction compared with code 2013 Building Regulations: - at least a 40% reduction in carbon emissions, shall be submitted to and approved in writing by the local planning authority.

    The development shall be constructed in accordance with the approved details.

13. Prior to the commencement of the development, including vegetation clearance or preparatory groundworks, a construction environmental management plan for Biodiversity (BCEMP) shall be submitted to and approved in writing by the local planning authority. The BCEMP shall include the following:

    a) Updated ecological surveys for relevant habitats and species, update surveys shall follow national good practice guidelines.

    b) Risk assessment of potentially damaging construction activities.

    c) Identification of biodiversity protection zones.

    d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.

    e) The location and timing of sensitive works to avoid harm to biodiversity features.

    f) The times during construction when specialist ecologists need to be present on site to oversee works.

    g) Responsible persons and lines of communication.

    h) Use of protective fences, exclusion barriers and warning signs.

    The approved BCEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

14. No development shall commence on site (including any works of demolition), until a Construction Method Statement and Traffic Management Plan (CMSTMP), which shall include the following has been submitted to, and approved in writing by, the Local Planning Authority:

    a) the parking of vehicles of site operatives and visitors;

b) loading and unloading of plant and materials;

c) storage of plant and materials used in constructing the development;

d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

e) wheel washing facilities;

f) measures to control the emission of dust and dirt, noise and vibration during construction;

g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The CMSTMP shall also state that no deliveries of plant or materials will take place between the hours of 0730 - 0930 and 1600 - 1800.

The approved CMSTMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

15. Prior to the commencement of the development an Archaeological Written Scheme of Investigation, relating to the application site area, shall be submitted to and approved in writing by the Local Planning Authority.

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall make provision for all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority within two years of the completion of the archaeological fieldwork.

17. Prior to the first occupation of any dwelling hereby approved, a scheme to provide each dwelling with Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each Electric Vehicle Charging Point shall be implemented prior to the occupation of the dwelling it would serve.

18. No phase or sub phase of the development shall begin until a detailed sustainable drainage scheme sufficient for the associated phase or sub phase and any upstream catchments, has been submitted to and approved in writing by the local planning authority. This shall be based on the Flood Risk Assessment and Outline Drainage Strategy Report, by Jackson Purdue Lever, Ref 002171-JPL-ZZ-ZZ-RP-D-2001-A2-CO7 April 2025 sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

No building shall be occupied until the surface drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

The scheme to be submitted shall include:

- Drainage Catchment Plans and outline strategy for the entire development;
- Information on proposed discharge rates with the overall discharge from the site restricted to the 1 in 1yr greenfield runoff rate for the worst case 1 in 1yr storm and the QBar greenfield runoff rate for the worst case 1:100yr + 40% storm; QBar is to be calculated based on the impermeable areas of the site only. Large areas of open space are to be excluded from the greenfield runoff calculations;
- A compliance report to demonstrate how the scheme complies with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;
- Detailed hydraulic calculations including node references with consideration for the worst case 1:100 + 40% event based on using the latest FEH (Flood Estimation Handbook) input data;
- Fully detailed sustainable surface water drainage layouts;
- Proposed site levels, floor levels and an exceedance plan;
- SUDS features and sections;
- Landscape plans with sustainable drainage features integrated and coordinated as appropriate;
- Drainage Construction Details;
- Maintenance and Management Plan covering all surface water drainage and SUDS features.
- An assessment of water quality from the proposed development, and extra measures in addition to the simple index approach may be required given discharge to a chalk stream priority habitat.

19. No phase or sub phase of the development shall begin until a detailed foul drainage scheme sufficient for the associated phase or sub phase and any upstream catchments, has been submitted to and approved in writing by the local planning authority.

    No building shall be occupied until the foul drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

20. Prior to the commencement of any site works or operations relating to the development hereby permitted, an arboricultural method statement to ensure the satisfactory protection of retained trees during the construction period shall be submitted to and approved in writing by the local planning authority. Written approval shall be obtained prior to commencement of any site works including demolition. The matters to be encompassed within the arboricultural method statement shall include the following:-

    a) A specification for the pruning of, or tree surgery to, trees to be retained, in order to prevent accidental damage by construction activities;

    b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection;

    c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;

    d) The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;

    e) The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees;

    f) The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;

    g) The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the root protection areas (RPAs), which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage, with particular reference to details of how the proposed woodland walk would be introduced without harming the integrity of the woodland;

    h) Provision for the supervision of any works within the RPAs of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the local planning authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the local planning authority.

    Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

21. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

    Phase 2 shall be completed in accordance with the details set out in the Phase 1 Report: Jackson Purdue Lever Geo-Environmental Phase 1 Desk Study Report Chalgrove South Oxfordshire GLD02171-03SI V1.1 12/11/2021 and shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy, and details of the outcome shall be submitted to and approved in writing by the Local Planning Authority.

    If identified as necessary in Phase 2, Phase 3 requires that a remediation strategy be submitted to and approved by the Local Planning Authority to ensure the site will be rendered suitable for its proposed use. The development shall not commence until the approved remediation strategy has been implemented in full.

22. Prior to the first occupation of the development hereby approved, an Ecology Management Plan (EMP) shall be submitted to and approved in writing by the local planning authority. The content of the EMP shall include the following:

    a) Description and evaluation of ecological features to be managed.

    b) Ecological trends and constraints on site that might influence management.

    c) Aims and objectives of management.

    d) Appropriate management options for achieving aims and objectives.

    e) Prescriptions for management actions.

    f) Length of the plan and preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

    g) Details of the body or organization responsible for implementation of the plan.

    h) Ongoing monitoring and remedial measures.

    The EMP shall include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details and management prescriptions implemented across the site for the plan period.

23. Prior to the first occupation of each house type, an Energy Statement Verification Report shall be submitted to the local planning authority and approved in writing. The Verification Report(s) shall demonstrate (with photographic evidence) that the energy efficiency measures agreed in Condition 12 for each dwelling have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.

24. Prior to first occupation, details of the means by which the dwellings hereby approved shall be connected to the utilities to be provided on the site to facilitate superfast broadband connectivity shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

25. Prior to 75% of occupations in any phase, a SUDS Compliance report prepared by an appropriately qualified Engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report shall as a minimum cover the following;

    a) Inclusion of as-built drawings;

    b) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated;

    c) Details of any remediation works required following the initial inspection;

    d) Evidence that that remedial works have been completed;

    e) Confirm details of any management company set up to maintain the system.

26. The development shall not be occupied until any previously approved contamination remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.

27. Prior to the first occupation of the development, the means of access, including visibility splays along the B480 shall be provided and constructed in accordance with drawing No P25011 001- Proposed Access Strategy and the Highway Authority's specifications. Within the visibility envelope, there shall be no obstructions whatsoever, (including vegetation) above 0.6 metres above the adjacent carriageway channel edge.

28. Prior to occupation of any part of the development a full and detailed Travel Plan and Travel Information Pack shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter, upon first occupation, the Travel Plan shall be implemented in full and the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

29. No development shall be occupied until confirmation has been provided to the local planning authority that either:

    a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

    b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

30. The hours of operation for the development shall be restricted to 8:00 am - 6.00 pm Monday to Friday and 8.00 am - 1.00 pm on a Saturday. No work shall take place on Sundays or Public Holidays without the prior written authority of the Local Planning Authority.

31. The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue, and no further occupation shall take place until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken has been submitted to and approved in writing by the Local Planning Authority and implemented. The investigation/remedial works shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'.

----- End of Schedule -----

ANNEX B - APPEARANCES

FOR THE APPELLANT:

Martin Carter	Instructed by Kathryn Fitzgerald of Gladman Developments Limited

who called:

Clive Self MA (Urban Des) Dip LA CMLI	Director, CSA Environmental
Stephen Harris BSc (Hons) MRTPI	Director, Emery Planning
Ben Hunter BA DipMS	Associate Director, Education Facilities Management Partnership Limited
Kathryn Fitzgerald BA (Hons) MPlan MRTPI	Planning Director, Gladman Developments Limited

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert	Instructed by Head of Legal for South & Vale

who called:

Anne Priscott BA (Hons) CMLI	Principal, Anne Priscott Associates Ltd
Helen Reid BSc MSc MRTPI MIED	Director, Lambert Smith Hampton
Louise Heavey BSc (Hons)	Pupil Place Planning Service Manager, Oxfordshire County Council
Tracy Smith BA (Hons) Bachelor of Town and Country Planning MRTPI	Principal Appeals Officer, South Oxfordshire and Vale of White Horse District Councils

and, for the planning obligations round table discussion (RTD):

Sarah Commins	Solicitor, South Oxfordshire District Council
Lewis Pitts	Senior Affordable Housing Officer, South Oxfordshire District Council
Clare Bennett	Senior Infrastructure Funding Negotiator, Oxfordshire County Council

and, just for the re-opened Inquiry RTD on housing land supply:

Nicola Smith	Acting Team Leader, South Oxfordshire District Council

FOR THE RULE 6 PARTIES:

Cllr Jan Russell	Chalgrove Parish Council
Simon Reynolds	Chalgrove Airfield Action Group
Nathan Thomas	CEO, Acer Trust
Heather Topping	Chair of Trustees and Committee, Chalgrove and Watlington First Steps Family Hub
David Fraser	Chief Executive, River Thame Conservation Trust

INTERESTED PARTIES:

Kevin Packham	Chair of Chalgrove Wildlife and Conservation Society
Mike Harris MRTPI	Senior Planning and Enabling Manager, Homes England

ANNEX C - INQUIRY DOCUMENTS

1. High Court Judgement: Edith Weston Parish Council v Secretary of State for Housing, Communities and Local Government and Rutland County Council.
2. Opening statement on behalf of the Appellant.
3. Opening statement on behalf of the Council.
4. Opening statement on behalf of Chalgrove Parish Council and Chalgrove Airfield Action Group.
5. Statement made by Kevin Packham.
6. Landscape Institute TGN/02/21- Assessing landscape value outside national designations.
7. South Oxfordshire Local Plan 2011-2035 Advice Note on Policy DES10: Carbon Reduction, November 2022.
8. Rule 6 parties Character and Appearance statement.
9. Supplementary Planning Proof of Evidence of Tracy Smith, South Oxfordshire District Council, 13 November 2025.
10. Chalgrove Neighbourhood Development Plan Review 2018-2033: A report to South Oxfordshire District Council on the Chalgrove Neighbourhood Development Plan Review.
11. Statement by Heather Topping, Chalgrove and Watlington First Steps Family Hub.
12. Statement by Mike Harris, Homes England.
13. Court of Appeal Judgement: R. (on the application of Asda Stores Limited) v Leeds City Council and Commercial Development Projects Limited.
14. Rule 6 parties statement on Access to Local Services, Facilities and Public Transport and Other Planning Matters.
15. Planning Decision and s106 Agreement for Outline Planning Permission Ref. P22/S4618/O, Land North of Bayswater Brook near Barton.
16. Appeal Decision Ref. APP/H2265/W/24/3353896, Land to the east of Platinum Way and opposite Grange Road, St Marys Platt, Sevenoaks.
17. Appeal Decision Ref. APP/E3335/W/24/3354865, Land off Exeter Road, Rockwell Green, Wellington.
18. South Oxfordshire First Homes Interim Policy Statement and Affordable Homes Update Written Ministerial Statement made on 24 May 2021.
19. Copy of email dated 19 November 2025 from Tim Sonnex, Strategic Property Surveyor, of South Oxfordshire and Vale of White Horse District Councils concerning proposed grant of an easement over land adjacent to Luker Avenue, Henley.
20. Affordable Housing Statement of Senior Affordable Housing Officer, South Oxfordshire District Council, 20 November 2025.
21. High Court Judgement: Ivan Crane v Secretary of State for Communities and Local Government and Harborough District Council.
22. Closing submissions on behalf of the Council.
23. Closing statement on behalf of Chalgrove Parish Council and Chalgrove Airfield Action Group.
24. Closing submissions on behalf of the Appellant.
25. Supplementary closing submissions on behalf of the Council following re-opened Inquiry.
26. Further closing submissions of the Appellant following the re-opening of the Inquiry.

Appendix E

Wootton Appeal Decision

Planning Inspectorate

Appeal Decision

Hearing held on 16 & 17 June 2026

Site visit made on 16 June 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2026

Appeal Ref: 6004689
Land North of Hall End Road, Wootton, Bedfordshire
(Easting: 500055 – Northing: 245511)

- 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 Gladman Developments Ltd against the decision of Bedford Borough Council.
- The application Ref is 24/02439/MAO.
- The development proposed is the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access at Land North of Hall End Road, Wootton, Bedfordshire (Easting: 500055 – Northing: 245511) in accordance with the terms of the application, Ref 24/02439/MAO, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address from the Council's decision notice.

3. The application was submitted in outline with all matters except access reserved for future consideration. I have considered the appeal on that basis, treating all drawings other than the location and access plans as illustrative unless otherwise indicated.

4. There were 8 reasons for refusal. Five of them were related to a lack of a legal obligation to provide certain financial contributions and/or infrastructure. It was acknowledged that these reasons could be overcome if a suitable agreement was reached between the main parties. The Hearing was held on that basis, considering the other three reasons for refusal. A completed and signed legal agreement has subsequently been submitted and sets out obligations in relation to education, the Forest of Marston Vale, healthcare, pedestrian/cycle links, sports pitches, open space and affordable housing. I consider this later in my decision.

Main Issues

5. The main issues are:

   a) the location of the proposed development;

   b) the effect of the proposed development on the character and appearance of the area;

   c) the housing land supply position.

Reasons

Location

6. Policies 3S and 4S of the Bedford Borough Local Plan 2020 (BBLP) form important parts of the spatial strategy for the borough, which is to focus development on key settlements and protect the countryside. Of particular relevance to this appeal, is that these policies indicate 2,000 dwellings should be distributed across the borough's Key Service Centres (KSCs), of which the village of Wootton is one. Individual sites for the KSCs are not allocated in the BBLP as the majority of rural growth was expected to be delivered through neighbourhood plans.

7. Policy 7S provides for an exception to this approach if a site is well-related to an existing settlement and certain criteria are met. In this case, the proposal would not meet all the criteria as there is not the required local support for the scheme. Other criteria relate to matters such as character and appearance, scale of the development and need. I address these criteria later in my decision.

8. Following on from the BBLP, the Wootton Neighbourhood Plan 2022 (WNP) allocates land for residential development. Policy W2 identifies sites which are intended to accommodate 105 dwellings. Development in excess of this figure is only supported where the proposal relates to a site within the settlement policy area boundary in accordance with Policy W1.

9. Policy W1 of the WNP sets out a presumption in favour of sustainable development within the settlement boundary of Wootton and establishes design principles. For the purposes of this main issue, the policy is relevant insofar as it confirms the settlement policy area boundary for Wootton.

10. I note that the BBLP is now past the date by which it was expected to have been reviewed. The data on which both plans are based is now many years old and although annual reviews are said to have taken place on the WNP, the housing calculations on which it is based pre-date the standard methodology. A new Local Plan is now unlikely to be adopted until November 2029 at the earliest and work on a full review of the WNP is only just underway. These factors will influence the weight to be applied to the current development plan policies and are considered in more detail later in my planning balance.

11. However, my start point is the current development plan. There is no dispute between the main parties that the appeal site is not allocated for residential development and is outside of the settlement boundary established through the BBLP and WNP. It is therefore contrary to the spatial strategy advanced by the

development plan. As such, there is conflict with Policies 3S, 4S and 7S of the BBLP and Policies W1 and W2 of the WNP.

Character and Appearance

12. Policies 7S(ix) and 28S (i & ii) of the BBLP broadly seek to ensure that development contributes positively to the character of the settlement and is of an appropriate form, character and size; that it is of high quality, promotes local distinctiveness and has a positive relationship with the surrounding area.

13. Policy 29 (i & ii) similarly seeks high quality development that contributes positively to the area and respects the site's context. In addition, Policy 30 (i & ii) seeks to ensure developments take account of good design and that overdevelopment is avoided by having sufficient regard to such factors as the context and scale of development.

14. Furthermore, Policy 37 (iv & v) of the BBLP seeks to safeguard and where possible enhance key views and vistas and to protect the landscape setting and identities of settlements by preventing coalescence. It was agreed between the parties prior to the Hearing that although the local landscape may be valued by local residents, within the terms of Paragraph 187(a) of the National Planning Policy Framework (the Framework), this appeal is not dealing with a valued landscape. It was agreed at the Hearing that the wording of Policy 37 of the BBLP is more restrictive than that of the Framework, whose approach is therefore to be favoured.

15. Policy W11 of the WNP seeks to protect the profile and skyline of Wootton and ensure public views into and out of the settlement as identified in the Village Design Statement (VDS) are not adversely affected.

16. Policy W1 of the WNP establishes design principles for development within the settlement boundary. The policy also uses the phrase 'within the village'. I heard at the Hearing how this term should be interpreted as the policy applying to land outside the settlement boundary. However, the policy does not explain or define the term 'village'. Furthermore, the policy must also be viewed in the context of what it appears to be setting out to achieve and the way in which it is referenced in Policy W2. It is therefore difficult to reconcile a wider interpretation with a more straightforward and narrower reading of the policy, which is that the design principles only relate to development within the settlement and thus not to the appeal site.

17. Similarly, the Council also referenced Policy W12 of the WNP in its reasons for refusal. This policy establishes design criteria for new development within Wootton. As the site is not within the defined settlement of Wootton this policy is also not directly applicable.

18. The appeal site is currently an open area of land used for grazing cattle. It provides a visual and spatial break between the western edge of Wootton and the eastern edge of Hall End. There is no dispute between the main parties that the development would result in the coalescence of Wootton and Hall End and have a localised effect on the character and landscape of the area. This was said to find particular expression in how the development would disturb the public views noted in Policy W11 and set out in the VDS.

19. The VDS identifies two views in relation to the site, one from Footpath 35 and one from Hall End Road. The reason for refusal referred to a single 'view' but the Officer Report referred to 'views'. Although this discrepancy was not entirely resolved at the Hearing, the appellants addressed both views in their various submissions, and I have similarly considered both of them as part of my decision.

20. Although the site has no formal designations and is not a valued landscape, I acknowledge that it makes a valuable contribution to the semi-rural character of the area and it is valued locally. I also note that the position of the site and nature of the surrounding topography and landscape would ensure that the proposal would not be seen within the wider landscape and thus the effects would be more localised.

21. The loss of the undeveloped space between Wootton and Hall End would alter the visual and perceptual experience of the area when moving along Hall End Road in either direction. This would also be evident from the public footpaths to the south west of the site which offer elevated views over the area. Despite the extensive hedges along the Hall End Road frontage, the scale and density would be apparent through the site access. In addition, whilst views over and through the roadside landscaping would be limited, the presence of the housing would no doubt be felt at nighttime due to artificial lighting.

22. With regard to the coalescence of Wootton and Hall End, I noted that previous expansions of Wootton have already reduced the sense of separation. In addition, both the educational land to the south of the appeal site and housing allocations along Keeley Lane will inevitably reduce this still further. Although it is unconfirmed at this stage as to what form of development might take place on the education land, even if it were to be used for just additional overflow car parking, it would be perceived as expanding Wootton along Hall End Road and closer to Hall End itself.

23. Although the housing allocation at W5 has yet to come forward, the site extends as far south as the boundary with the new house at the northern tip of Hall End. This too will no doubt intrude into Hall End's setting to a much greater extent than the educational site to the south. As a result, it will likely dissipate some of the sense of leaving Wootton and entering Hall End as one travels along Keeley Lane and onto Hall End Road.

24. Whilst it might be easy to distinguish between the existing housing in Hall End and any new houses around it, the effect would be that Hall End would physically become a part of Wootton and their distinctiveness would be lost. Whilst other 'Ends' in the area have over the years been joined up and so this phenomenon is not necessarily uncharacteristic of the area, it is nonetheless something the WNP in particular seeks to prevent.

25. Indeed, the main allocation of land in Policy W10 of the WNP as Other Important Green Space has the effect of preventing the further expansion of Wootton westwards towards Hall End. This area of land currently fulfils a similar functional role to that of the appeal site in preventing future coalescence and allowing the countryside into the village. However, the appeal site does not benefit from the open space designation.

26. It was suggested at the Hearing that public access was a key reason for this land being designated under Policy W10 and thus why the appeal site was not

designated. However, from reading the WNP, public access does not appear to have been a key reason for designating green spaces around the village. Whilst I therefore remain in some doubt as to why the appeal site was not designated under this policy approach, it does not mean that it was considered by the WNP more suited to development, merely that there was one less hurdle for any potential scheme to address.

27. However, I did find that on the site visit, this W10 land did have a greater sense of separation from the rest of the village than the appeal site, despite having public access. As such, although they perform similar roles and their contributions to the landscape and wider character appear comparable, the appeal site does have a greater visual connection with the built environment of Wootton.

28. Views of the development from Footpath 35 would be obvious and whilst setting the houses back from it might help reduce the visual impact, it is inevitable that houses, gardens, means of enclosure, footpaths etc. would be evident. Whilst longer range views of the countryside beyond would remain, the sense of the countryside extending into the village of Wootton at this point would be curtailed and a more suburban, less rural character would prevail.

29. The Council has raised concerns regarding the proposed density of 35 dwellings per hectare. Such a density would not be vastly different from the more recent housing on the appeal site's eastern boundary. Furthermore, the appellant suggests that the density of development would be greater in the centre of the site allowing the edges to appear more spacious. Whilst the exact layout would be a matter for the reserved matters applications, approximately a third of the site is likely to be outside the developable area. A broad quantum of space is shown in the Framework Plan which can be secured via a condition. As such, there is no reason to believe that a high quality and appropriate final design could not be achieved at this density.

30. The detailed designs could also help to mitigate some of the effects of coalescence and the relationship with Footpath 35 and neighbouring properties. The legal agreement establishes a requirement to submit to the Council an open space scheme for the site and would establish a maintenance period. I accept that the provision of green infrastructure across the site would be of a different character to the existing agricultural land, but it would nevertheless provide some mitigation, which would increase over time as the proposed landscaping matured.

Conclusions on Character and Appearance

31. The development will lead to an inherent urbanisation of the site. Whilst the expansion of Wootton westwards would represent a loss of open countryside and harm to the intrinsic beauty of the countryside, it is by closing of the gap with Hall End that the proposed development would notably raise the level of harm and the adverse visual impact. I acknowledge that there are some future developments in the immediate vicinity which, regardless of the outcome of this appeal, will be notable steps towards the further coalescence of Wootton and Hall End. However, they would not have the same scale of impact as would arise from the appeal scheme.

32. Therefore, taking all of these factors together, it is my judgment that the proposed development would result in harm to the character and appearance of the area. The proposal would therefore conflict with BBLP Policies 7S, 28S, 29 and 30.

There would also be conflict with WNP Policy W11. Collectively, and amongst other things, these policies seek to ensure that development has appropriate regard to its context, contributes positively to the character of the settlement and protects the profile and skyline of Wootton.

Housing Land Supply

33. There is no dispute between the main parties that the Council is unable to demonstrate a five year supply of deliverable land. The main parties agree that the weight attributable to this matter is at the top of the weighting scale. There is though, disagreement on the base data to be used to calculate the figure and thus the scale of the deficit.

Local Housing Need

34. As required by Framework paragraph 78, the Council should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. This must be measured against its local housing need (LHN), as the strategic policies within the BBLP are more than five years old.

35. The Council favours using the 2024 based LHN figures (published in 2025). They correspond to the date of the supply figure and so, it is said, to do otherwise would make the calculation unbalanced.

36. In contrast, the appellant points to government guidance on the use of up-to-date figures; the alignment of the 2025 based LHN figure (published in 2026) with the five-year housing land supply which has a base date of 2025; and three recent appeal decisions supporting the use of the most up to date data.

37. Evidence about housing land supply and need is dynamic. Indeed, as the appellant noted at the Hearing, new Housing Delivery Test results will, when released change the supply figure. Thus, at the point of decision there will not necessarily always be complete alignment of the data and the various base dates. This is in effect reflected in the Planning Practise Guidance (PPG) which advises that when setting the baseline value of existing housing stock and when taking account of affordability when using the standard methodology, the most recent data published/available at the time should be used.

38. Thus, even if there is some degree of the need and supply figures being 'unbalanced' (with whichever approach is adopted in this case), the PPG provides a strong indication that the decision should favour using the 2025 based figures. There is nothing before me to indicate that those figures are in anyway unreliable and so I find that the correct approach is to use the 2025 LHN figures i.e. 1,251 dwellings per annum.

Deliverable Supply

39. The appellant's evidence highlighted 19 sites that had been identified by the Council as contributing to housing supply over the next five years, but which were not considered to meet the Framework's definition of deliverable.

40. The Glossary of the Framework defines deliverable housing sites as those which are available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It also sets out that sites with outline planning permission for major

development, allocated sites, sites with a grant of permission in principle and sites identified on a brownfield land register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

41. I consider in detail below the deliverability of the 10 largest sites that were contested at the Hearing:

42. At the Hearing the Council noted key issues relating to the pending decisions on Milton Road, Clapham and Great Barton West. These concerned power lines and viability respectively. There was no indication as to how easy or difficult these issues may be to resolve but in the case of the power lines, I cannot rule out the possibility of other agencies and/or consenting authorities having to become involved.

43. Despite the existence of extensions of time, there was little information presented to me as to when the Council might be able to determine the applications or indeed if the recommendations would be to support the proposals. Given that in the fullness of time the Council expects each site to deliver in the region of 500 houses, I have no doubt the Council will look to be proactive in the matter. Nonetheless, it has been over 2 years since the resolution to grant outline permission at Milton Road and a year and a half since the resolution for Great Barford West. At this stage there is little certainty or evidence that completions on these sites could be achieved within the next five years on either site.

44. Beauchamp Park is allocated for housing and benefits from an outline planning permission for 390 houses. The Reserved Matters would need to come forward by the beginning of 2028 and some work has been undertaken on resolving issues around archaeology and piling. There is little in the way of firm evidence from the Council as to when reserved matters would come forward or of the developer's intended timescales. As such, there was not sufficiently clear evidence available at the Hearing to indicate the site to be deliverable.

45. The appellants revised their housing supply figures for the Dallas Road site in the light of a recent appeal decision to allow the revisions to Block A. However, a resolution to unlock Block F is yet to be identified and the developer is still considering their options. The absence of any clear way forward at a time when other parts of the site are being built out suggests that a resolution is unlikely to be quick or straightforward. For the time being, I consider Block F should be removed from the supply calculations.

46. The Greyfriars site is allocated for housing but outline planning permission has expired. The adjacent highways works have been completed but were not a significant element in enabling the development of the site. The absence of any information regarding how the situation is to be progressed or any indication of a future planning application mean that the site currently falls outside of the Framework's definition of deliverable.

47. Land at the Former DVSA site has recently been granted outline planning permission and the site cleared of the previous buildings. This offers some positivity around the development of the site. A year ago, it was indicated that delivery could begin in 2028/29 but it is not clear if this was predicated on the permission only being granted in April 2026. There are no more recent updates, and at this point there is nothing before me to indicate that the site would be

deliverable within the 5 year timescale and so I consider that it should be omitted from the current considerations.

48. There is currently an outstanding objection from Sport England to the proposed 152 dwellings at Mowbray Road. The objection concerns the net loss of playing fields and there is no indication as to whether this matter can be resolved nor any indication of the Council's position on this particular proposal. The Council has signed an option to sell the site but this does not negate the planning obstacles. The uncertainty as to the outcome of the planning application means that there is no sufficiently clear evidence of the site delivering housing within the 5 year timescale.

49. Lodge Hill is an allocated site but there is no planning permission. Although various mechanisms are being discussed around the sale of the site and requirements to submit planning applications, the site has not yet been sold and there are no details of the sanctions any new owner might face should the suggested timescales be missed. As such, it is difficult to be confident that an application would be forthcoming within the suggested 18 months of any sale of the land. Furthermore, it is not clear whether any application would be in outline or if there will need to be any planning agreement for the site. Consequently, on the basis of the evidence presented in this appeal, I consider that the site should be deducted from the supply.

50. A start date of late 2026 was suggested by the Council for the land at Oakley Station site but the outline planning permission expires in July 2026 and no reserved matters applications had been submitted at the time of the Hearing. An application to amend the access has been submitted but currently remains undetermined. Although a developer and provider are said to be keen to progress the site there is no information as to their projected build dates or indications as to how completions would be achieved within five years.

51. At the Old Stable Yard site, amendments to the current proposal have been submitted to overcome highways and flooding objections but it is not clear at this stage whether they are likely to be successful and thus when a decision might be issued for 30 dwellings. There will need to be a planning agreement covering affordable housing and other matters although at this stage there is no information as to whether this would be contentious between the parties. As such, there is little firm evidence to lead me to conclude that housing would be delivered on site within the requisite five year period.

Conclusion on housing land supply

52. I find that over 1,000 dwellings have not been sufficiently evidenced as being deliverable from these 10 disputed sites. The remaining 9 disputed sites would account for another 150 or so units and within the context of the existing deficit and my findings so far, they would not be determinative as to the overall picture. Thus, the housing supply figure is at or close to the number indicated by the appellant of 2.38 years. Clearly the above is derived purely on the basis of the evidence I have read and heard and is adopted specifically for the purpose of deciding this appeal.

53. In summary, not only is local housing need rising but the ability of the area to deliver housing sites to meet the demand is faltering. The appellants have also highlighted the scale of completions over recent years, which is below

expectations. This is both a contributory factor in the under-delivery of housing and is likely to be a difficulty in arresting the overall supply situation in the short to medium term. Collectively this all weighs in favour of the proposal.

Other Matters

Wider Policy Context

54. Despite being adopted in 2020, Policy 1 of the BBLP makes clear that a review was to be commenced within one year and a replacement plan submitted for examination within three years. This was due to the need to plan for higher housing numbers and new infrastructure in the area that might open new development opportunities. Although a replacement Plan was progressed it was abandoned and thus the anticipated review did not occur.

55. The WNP was prepared in conformity with the BBLP and the saved policies of other Plans and to address the period up to 2030. The WNP was to be reviewed every two years to take account of any changes in both national and local policies. Reviews have been undertaken by the Parish Council and it was suggested at the Hearing that these reviews have not identified a need to make changes to the Plan. Full details as to what these reviews entailed was not presented to the Hearing. A new Steering Group is though currently being formulated ahead of the suggested 2028 date to decide on the need for a new WNP.

56. However, the BBLP was based on an Objective Assessment of Need, prepared in accordance with the 2014 Planning Practice Guidance and the WNP is based upon a Housing Needs Survey from 2017. Both Plans also pre-date the use of the standard methodology set out in the current Framework. There is no suggestion that the reviews of the WNP have considered this change in national policy. Thus, the development plan approach for the area is based on data that is in some cases over 10 years old and which was clearly expected to have been updated before now.

57. It is therefore not surprising that housing supply has not kept up with demand. My findings in this appeal are that the supply and delivery of housing land is now falling further below expectations. Added to this, new large scale projects such as the nearby Universal Studios scheme will create further pressure on the demand for housing in the area.

58. As such, the current development plan context is not delivering the level of housing growth expected by national policy with little to suggest that the situation will change in the short to medium term. Indeed, it seems to me that there is a strong possibility that the situation could get worse. Thus, a strict adherence to and the rigid application of the current settlement boundaries would undermine attempts to remedy the current housing supply difficulties. All of this significantly affects the weight that can be applied to the existing spatial strategy as regards the delivery of housing in this area.

Heritage

59. St Mary's Church is a Grade I listed building and is the central focus of the Wootton Conservation Area (WCA). The appeal site is set away from the WCA and so the intervening residential development not only prevents any intervisibility with the WCA but also has an urbanising influence on the surrounding character.

60. The special interest of the church itself, insofar as it relates to this appeal, primarily relates to its historic and architectural value as an important religious and community building within the village and surrounding rural area. It is the immediate setting of the churchyard and the space around it rather than the surrounding housing that also contribute most strongly to the building's significance.

61. The church and in particular its spire can be glimpsed from various vantage points in and around the village. It acts as something of a visual, wayfinding point. As a result of the proposed development, some glimpses of the church from within the site would be lost. Views from the church tower of the site would be limited and the additional houses are likely to be difficult to distinguish from the current houses adjacent to the site. The loss of such views and any consequential harm to the building's significance would be minor. Thus, any heritage harm would be less than substantial, and at the lower end of that spectrum of harm.

62. Nonetheless, Paragraph 215 of the Framework makes it clear that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation even when less than substantial harm is identified. However, it is also the case that where less than substantial harm is identified, it should be weighed against the public benefits of the proposal.

63. I am satisfied that the scale of the public benefits arising from the proposed development (which includes the delivery of houses, of which 30% would be affordable, the economic benefits of the development, the footpath/highways improvements and increased permeability) are in this case sufficient to outweigh the identified harm to the asset. Later in my decision I include this matter as part of my overall planning balance.

Legal Agreement

64. A signed and dated legal agreement accompanies the appeal and secures a number of obligations. These include 30% affordable housing, contributions towards education, health, the Forest of Marston Vale, sports pitches, the pedestrian/cycle link at Latimer Close as well as the provision of open space and traffic regulation order funding for both on and off-site works.

65. In the context of the delivery of up to 90 houses and the consequent increase in population and effect on the area, I am satisfied that the obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. In addition, I am content that the offsite highway works are necessary to ensure the safety of all road users and pedestrians.

66. I am satisfied this meets the requirements of paragraph 58 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Access

67. Access to the site is a matter to be considered at this stage. The scheme would entail a new access onto Hall End Road on the western side of the site. Subject to the imposition of certain planning conditions to address matters such as visibility

splays, traffic calming and footway improvements, no objections have been raised to the proposal in terms of highway safety or capacity. I see no reason to disagree.

Drainage

68. Concerns were raised regarding flood risk and drainage problems in the area. Initially, the Council highlighted some reservations as to whether the indicated SUDs provision would be sufficient to serve the appeal site and the proposed scale of development. These concerns were subsequently addressed both prior to and at the Hearing. As a result, I am satisfied that the scheme would be able to provide the necessary infrastructure to deal with the number of proposed units. The scheme would also be able to offer some betterment by collecting the existing run-off onto the site and dealing with it without passing the problem on to neighbouring sites.

Benefits

69. The main benefits of the scheme include:

- Up to 90 houses in an area of pressing need which would contribute to the national policy imperative of significantly boosting the supply of housing
- 30% of the houses would be affordable units and would meet a specific localised need as detailed by the appellant
- Footpath upgrades to improve connectivity in the area
- Safety measures on Hall End Road, including new footway
- Provision of open space, green infrastructure and SuDS betterment
- Estimated construction spend of c. £14.6 million, supporting approximately 92 Full Time Equivalent (FTE) construction jobs. The development will also deliver CIL contributions of approximately £678,000

70. There will be other benefits associated with the provision of Biodiversity net-gains as well as additional expenditure in the area from future occupiers. The benefits that would flow from the appeal proposal would meet many of the Framework objectives and so weigh in favour of the appeal.

Planning Balance

71. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore the development plan. There would be conflict with the BBLP and in particular Policies 3S, 4S, 7S as well as WNP Policies W1 and W2 insofar as the appeal site is outside the settlement boundary of Wootton. However, this must be viewed within the wider policy context and the overall housing supply position that I have set out above. I am also mindful that, whilst the development would be outside of the settlement boundary, it would provide housing in an accessible and sustainable location on the edge of a settlement. As such, limited weight is applied to these policies.

72. Despite there being issues over the applicability of Policy 37 of the BBLP and WNP policies W1 and W12 as regards the issue of character and appearance, there would be landscape harm arising from the proposal and thus conflict with

BBLP Policies 7S, 28S, 29 and 30. There would also be conflict with WNP Policy W11. Much of the harm would be to the site itself. This though will be an inevitable consequence if countryside is to be released for housing, as seems necessary. As such, I judge the level of harm to be moderate. However, the inevitable effect of extending Wootton in the manner proposed will be its coalescence with Hall End. This will change how both are seen and experienced, and whilst the current allocations will reduce the extent to which Hall End might be seen as a rural enclave, the proposal will entirely remove any such perceptions. Thus, the harm arising from this element of the proposed development would be significant.

73. In addition to the above, there would also be some less than substantial heritage harm which attracts great weight, notwithstanding that the development passes the test in paragraph 215 of the Framework.

74. The most important development plan policies cited above are however deemed to be out-of-date. This is because the Council cannot demonstrate a 5-year supply of deliverable housing sites. This engages the balance set out in paragraph 11 d) of the Framework. The effect of this is that the planning balance ordinarily shifts in favour of the grant of permission.

75. However, I must also have regard to Paragraph 14 of the Framework. This sets out that where the presumption at paragraph 11 d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided two criteria apply.

76. The first criterion of Paragraph 14 is that the Neighbourhood Plan (NP) should have become part of the development plan five years or less before the date on which the decision is made, which is the case here. The second is that the NP contains policies and allocations to meet its identified housing requirement. The Council's position is that this requirement is also met. In contrast, the appellant queries the basis on which the figures were arrived at for the NP, in particular that they didn't flow from either paragraphs 69 or 70 of the Framework and thus only broad figures for the KSCs as a whole were identified.

77. I have sympathy with the appellant's position given the wider policy context in which the WNP sat and that the BBLP did not allocate a definite amount of housing for Wootton. Whilst the extent of housing that Wootton was expected to accommodate was therefore not explicitly stated, the WNP did allocate sites for housing. No additional housing allocation was identified or sought by the Borough Council when the WNP was being considered. Furthermore, an appeal made under s78 of the Town and Country Planning Act is not the forum to review a NP, rerun arguments tested at the Examination or set an indicative housing requirement. After hearing all the evidence, the Examiner ultimately reached a conclusion that the WNP had proper regard to national policies and advice and complied with the basic conditions. I therefore cannot be certain that the WNP and its policies failed to allocate sites to meet the identified housing requirement in full at that time. Thus, I consider Paragraph 14 of the Framework should be engaged.

78. In accordance with Paragraph 14, conflict with the NP is a matter of considerable importance and is 'likely' to be decisive. However, it is important to emphasise that this is the likely outcome of the balance, but each case must be considered on its

own merits, and the circumstances may be such that a conflict with a NP would not be decisive.

79. In this case, the development must be considered in a context where not only is there a lack of housing supply but there are now additional question marks over the delivery of some sites upon which the Council is relying. This is all set against a higher LHN figure and future demand generated by such pressures as the nearby Universal Studios project.

80. There is also the unusual situation that the Local Plan, having been predicated on the basis of an early review, given the need to plan for higher housing numbers, now has no prospect of being replaced until late 2029 at the earliest. This in turn adds to the uncertainty around housing provision for Wootton. Indeed, even though I cannot be certain that the terms of Paragraph 14(b) were breached when the Plan was made in 2022, the absence of a definitive housing figure for Wootton in the BBLP and the changes which have occurred since the WNP was made, must cast serious doubts on the WNP's allocations being sufficient to address its current plan period. Added to these difficulties, the timescales for a new development plan mean that it is going to be difficult for the plan making system to address these matters in the short to medium term. In this context, I attach substantial weight to the delivery of up to 90 houses.

81. Weighing the harms and benefits is not a mathematical exercise but I find that although there will be harm and conflict with the development plan, this is an occasion which, given the above context, the adverse impacts of conflicting with the neighbourhood plan would not significantly and demonstrably outweigh the benefits.

82. The material considerations in this case therefore indicate that planning permission should be determined other than in accordance with the development plan.

Conditions

83. The matter of conditions was discussed at the Hearing. An agreed list of conditions was subsequently provided by the two main parties, which also reflected my own observations, which had regard to the Framework and the advice in the PPG.

84. In addition to a condition setting out the approved plans, conditions regarding the timescales and submission of reserved matters are necessary. As agreed at the Hearing, the reserved matters shall need to demonstrate broad accord with the Development Framework Plan submitted with the application.

85. In addition to the above, in order to ensure the integration of the development into the area and ensure accessibility and permeability, there needs to be a condition governing what specific layout details need to be submitted of the internal road, footways/paths and cycleways. A further condition requiring the submission of surface details as part of the package of reserved matters is also necessary.

86. Similarly, to ensure the landscaping survives and is protected, a Landscape and Ecological Management plan will need to be submitted as part of the wider landscaping details. A condition to this effect as well as one setting out the wider suite of matters to be covered by the landscaping details are therefore necessary.

87. The appearance and layout details also need to indicate where accessible and adaptable dwellings will be provided on site, so a condition ensuring this is necessary.

88. As part of the reserved matters submissions, it is also appropriate to include details relating to pedestrian visibility across the site, signage and markings and visibility splays at the junction with Hall End Road. Conditions to this effect are therefore reasonable and necessary.

89. To ensure the development functions as intended, has an appropriate character and appearance as well as an acceptable impact on highway users, conditions are necessary to address: external materials, boundary treatments, bin storage and collection points, water efficiency details, road signs and markings, footway links, provision of access junction and footway extension. These conditions will also ensure compliance with the relevant development plan policies.

90. A number of pre-commencement conditions are necessary. In submitting the conditions, the appellant's email confirmed their agreement to the conditions as a whole and I have taken this to include their agreement to the pre-commencement conditions. These require:

- A Construction Management Plan - to ensure the construction phase does not unduly affect neighbouring occupiers or highways users
- An archaeology strategy and mitigation if required – as the location of the site and previous finds in the area indicate a precautionary approach is appropriate
- Surface water drainage and on-site foul water drainage schemes will similarly need to be submitted and approved prior to commencement of development
- A contaminated land assessment – given the size and previous use of the site, as well as the nature of the proposed use, is reasonable
- A waste audit – to ensure waste is minimised through the construction and operational phases of the development

Conclusion

91. The proposed development would not adhere to the development plan but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal succeeds subject to the conditions in the attached schedule.

Stewart Glassar

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christian Hawley	Barrister, No5 Chambers
Laurie Lane	Director, Lane Town Planning
Ben Croot	Associate Director (Landscape), CSA Environmental
Rob Rasberry	Director (Masterplanning and Ubran Design), CSA Environmental
Ben Pycroft	Senior Director, Emery Planning
Colin Whittingham	Director, RSK LDE
Kate Etchells	Planning Director, Gladman Developments Ltd (Conditions Only)

FOR THE LOCAL PLANNING AUTHORITY:

Alastair Wren	Team Leader Appeals and Enforcement
Paul Reynolds	Tapestry Landscape
Rachel Duncan	Principal Planner
Penelope Jewitt	Senior Planner
Heather Seale	Senior Planner (Policy)

INTERESTED PERSONS:

Cllr Wheeler	Local Councillor
Mr Odell	Chair, Wootton Parish Council Planning & Environment Committee
Mr & Mrs Smith	Local residents

Documents submitted during the Hearing:

Wootton Conservation Area Map
Updated list of draft planning conditions

Documents submitted after the Hearing:

List of agreed conditions
Signed and completed legal agreement

Schedule of Conditions

1. The development hereby approved shall be carried out in accordance with the following plans and documents, unless required by a separate planning condition of this permission.

CSA/4276/134/Rev B	-	Location Plan
B066771-TTE-00-XX-DR-O-002-P03	-	Proposed site access and associated visibility splays plan

2. Development shall not commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:

   (1) the external appearance of the development;
   (2) the landscaping of the site;
   (3) the layout of the development;
   (4) the scale of the development.

   The development shall be carried out in strict accordance with the approved details.

   The submission of reserved matters applications pursuant to this outline planning permission shall demonstrate broad accordance with the Development Framework Plan (ref. CSA/4276/127 Rev G).

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

4. The development hereby permitted shall be begun before the expiration of 2 years from the date of the last of the reserved matters to be approved.

5. Notwithstanding details of access and indicative layout shown on the Development Framework Plan, the submission of reserved matters for layout shall include layout and gradient details of the site's internal roads, footways/paths and cycleways which shall be designed in accordance with national and local design standards and provide for inclusive access throughout and prioritise the convenience and safety of people walking, wheeling and cycling including flush pedestrian crossing points at junctions on the desire line and not on a radius and footways (including vehicle crossovers) with a maximum crossfall of 1:40 with connectivity to adjacent areas. Street designs shall have self-enforcing low speed layouts (20mph max. with footways, or 10mph max. if no kerbed footways) and ensure there is unobstructed access for refuse vehicles throughout with adequate carriageway widths and provision of frequent convenient physically defined car parking spaces along streets. Dead-end roads should only be used if unavoidable. Details shall be included of street trees incorporating specialist planting and management design. No shared private drive shall be longer than 15m.

No building shall be occupied until the roads and footways/paths which provide access to the building have been laid out and constructed in accordance with the approved plans.

6. No development shall take place until an archaeological strategy for evaluation and, if necessary, a further mitigation strategy, based on the outcome of the evaluation, have been submitted to and approved in writing by the Local Planning Authority.

   The archaeological mitigation strategy shall include a timetable and the following components (the completion of each to be submitted to and approved in writing by the Local Planning Authority):-.
   (i) fieldwork and/ or preservation “in situ” of archaeological remains;
   (ii) a post-excavation assessment report (to be submitted within six months of the completion of fieldwork);
   (iii) a post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork).

   The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

7. No development shall take place above slab level until full details of all external materials to be used in the development, to include brickwork, roof tiles, windows, doors, porches, and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

8. No dwelling hereby permitted shall be occupied until details of all the boundary treatments including for any attenuation basins proposed on site including types, height, design detailing, materials and a timeframe for their delivery, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timeframe.

9. No development shall take place until a surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is occupied.

10. No development shall take place until a scheme for on-site foul water drainage, including connection point and discharge rate to the public network, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme.

11. No development shall take place until a Construction Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:
    a. The parking of vehicles

b. Loading and unloading of plant and materials used in the development
c. Storage of plant and materials used in the development
d. The erection and maintenance of security hoarding / scaffolding affecting the highway if required.
e. Measures on site to control the deposition of dirt / mud on surrounding roads during the development.
f. Footpath/footway/cycleway or road closures needed during the development period (to include all proposals of road closures or traffic diversions prior to the adoption of roads within the development)
g. Traffic management needed at the interface with the public highway during the development period
h. Times, routes (to include specific measures such as delivery ticket instructions and location of signage) and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site).

12. The submission of reserved matters for landscaping, appearance and layout shall include full details of bin storage and collection points in accordance with Bedford Borough Council guidance 'Waste & Recycling in New Developments' or any superseding guidance. Storage and collection points of bins shall be provided in accordance with the approved details and thereafter retained.

13. The submission of reserved matters for layout and landscaping shall include a scheme for motor vehicle and cycle parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

14. As part of the first reserved matters submission a Landscape and Ecological Management Plan (LEMP) shall be submitted for written approval by the local planning authority. The plan shall include a detailed scheme and timetable for the enhancement of the site demonstrating that a minimum of 10% biodiversity net gain and ecological enhancement will be achieved by the development. The proposed ecological and biodiversity enhancement and protection measures shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained thereafter.

    The content of the LEMP shall include the following:
    a. Description and evaluation of features to be managed
    b. Ecological trends and constraints on site that might influence management
    c. Aims and objectives of management
    d. Appropriate management options for achieving aims and objectives
    e. Prescriptions for management actions
    f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
    g. Details of the body or organisation responsible for implementation of the plan.

    The plan shall also set out a monitoring scheme upon completion of the dwellings and where those results show that conservation aims and objectives of

the LEMP are not being met shall identify how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

15. The submission of reserved matters for appearance and layout shall include a scheme demonstrating:

    1. the provision of 49% of the total number of dwellings are to be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing; and
    2. the provision of 5% of all market housing and 7% of affordable housing should meet category M4(3) requirements (wheelchair adaptable). The submitted details shall specifically indicate which dwellings are to be built to these standards and the relevant dwellings shall be built and retained in accordance with the approved details.

16. The submission of reserved matters for landscaping shall include details of the following:

    a. Planting proposals giving location, species, number, density and planting size.
    b. The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.
    c. Areas of grass turfing or seeding and other surface materials.
    d. Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.
    e. Details of all hard works, paving materials etc.
    f. Details of the long-term management and maintenance proposals for the new planting.
    g. A scheme for works for protective fencing of the retained trees and hedges including the appropriate working methods in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations; or similar replacement standard);
    h. A timetable for implementation of the landscape works including the provision of strategic landscaping and any phasing of provision at the site.

    The development shall thereafter be carried out in accordance with the approved details or particulars and all planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, (or state other period). Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

17. No development shall take place until a waste audit has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall demonstrate that in the construction phase of the development waste will be

minimised and that the waste that is generated will be managed in an appropriate manner in accordance with the waste hierarchy. In particular the waste audit should include:

a. Anticipated nature and volumes of waste generated
b. Steps to be taken to ensure effective segregation of wastes at source, including provision for waste sorting, storage, recovery & recycling facilities
c. Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once the development is complete.

The development shall be carried out in accordance with the approved waste audit.

18. No development shall take place until a contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The details shall be submitted and approved in separate phases, taking full account of the following:
    a. The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site. This shall be used to propose a site investigation strategy, which shall be approved by the Local Planning Authority prior to the investigations commencing on the site.
    b. The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Environment Agency's Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.
    c. The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local Planning Authority shall approve this remedial strategy as proposed prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.
    d. The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer.
    e. Upon completion of works, this Condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the

works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.

19. No dwelling shall proceed beyond slab level until details of how it will achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard). The dwelling shall be constructed and completed in accordance with the approved details.

20. Prior to the occupation of any dwelling full details of a scheme of signs and markings for the extended 20mph limit on Hall End Road that also takes into account existing on street parking demand and additional street lighting along Hall End Road between the Upper School and the proposed site junction shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.

21. There shall be no development above slab level until details of:

- a footway link connecting to Public Footpath 35 along the Lorraine Road spur in front of Wootton Cemetery based on indicative drg. no. B066771-TTE-00-XX-DR-O-003-P01 to an uncontrolled crossing point of Lorraine Road to access Popes Way

has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the footway link has been completed in accordance with the approved details.

22. The access junction on plan B066771-TTE-00-XX-DR-O-002-P03 shall be constructed to base course before on-site works commence and completed to surface course before 80% of dwellings are occupied.

23. The submission of reserved matters details shall include surfacing details of all on-plot and public pedestrian and vehicular areas in a stable and durable manner with bonded materials. Public car parking spaces shall be surfaced consistently to distinguished them from the carriageway and private parking spaces or areas reserved for pedestrians/cyclists. Surface water from the private driveways must not drain to the public highway. No building shall be occupied until the surfacing of the associated on-plot access and parking areas have been surfaced in accordance with the approved plan.

24. The submission of reserved matters for layout shall include details for triangular pedestrian visibility at all vehicular accesses within the site that cross a footway. The splays on both sides of each access shall measure 1.8 metres x 1.8 metres within the land being accessed adjacent to the rear edge of the footway. The splays shall be provided before the access to which the splays relate is first

brought into use. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.

25. The proposed access junction with the public highway (Hall End Road) shall not be brought into use until visibility splays have been provided at the junction. The splay lines shall be not less than 2.4m measured along the centre line of the proposed access from its junction with the channel of the carriageway and not less than 43m measured from the centre line of the proposed access along the line of the nearside channel of the carriageway. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.

26. Prior to the occupation of any dwelling details of a scheme for extending the existing footway along Hall End Road from no.52 Hall End Road to the site of the former Chequers public house and Public Footpath 33, including signage at any road narrowings in accordance with drawing ref. B066771-TTE-00-XX-DR-O-004-P01 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full prior to occupation of the 45th property on the development.

27. The submission for reserved matters shall include a scheme of measures including signage/markings to provide for:

    - restrictions on parking on the carriageway outside of physically demarcated spaces throughout the development
    - the limitation of vehicle speeds to 20mph within the development (including physical measures)

    The provisions of the scheme thereby approved shall be fully implemented.

****** END OF SCHEDULE******

Appendix F

Snarlton Appeal Decision

Ministry of Housing, Communities & Local Government

Our ref: APP/Y3940/W/25/3373278
Your ref: PL/2024/07097

Rhiannon Jones
Neame Sutton Limited
West Suite
Coles Yard Barn
North Lane
Clanfield
PO8 0RN

Sent by email only
rhiannon.jones@neamesutton.co.uk

28 July 2026

Dear Rhiannon Jones

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY MR IAN HUMBLE (CATESBY ESTATES PROMOTIONS LIMITED)
LAND SOUTH OF SNARLTON FARM, SNARLTON LANE, MELKSHAM SN12 7QP
APPLICATION REF: PL/2024/07097

This decision was made by Matthew Pennycook MP, Minister of State for Housing and Planning, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Beverley Wilders BA (Hons) PgDURP MRTPI, who held a public local inquiry opening on 20 January 2026 into your client's appeal against the decision of Wiltshire Council to refuse your client's outline application for planning permission, with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works, in accordance with application Ref. PL/2024/07097, dated 30 June 2025.

2. On 29 January 2026, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed subject to the conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. She has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Emma Hopkins, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. The Secretary of State notes that an Environmental Statement was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, a negative screening direction on behalf of the Secretary of State on 17 November 2025 stated that the proposed development is not EIA development (IR1.4). She has therefore not taken the Environmental Statement into account when making her decision.

Matters arising since the close of the inquiry

6. Following the close of the Inquiry the Inspector wrote to the main parties to afford them an opportunity to comment on an appeal decision for another proposed residential development in Melksham and on the withdrawal of the Wiltshire Local Plan Pre Submission Draft 2020-2038 (Regulation 19) (ELP) from examination on 22 May 2026. The Secretary of State notes that the Inspector has had regard to any comments received in her report (IR1.5-1.6). She is satisfied that there is no need to refer back to the parties for further representations prior to reaching her decision on this appeal, and is satisfied that no interests have thereby been prejudiced.

7. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect her decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case the development plan consists of the Saved Policies of the West Wiltshire District Plan First Alteration (June 2004) (WWDP), the Wiltshire and Swindon Waste Core Strategy 2006-2026 (adopted July 2009) (WSWCS), the West Wiltshire Local Development Framework Leisure & Recreation Development Plan Document (January 2009) (L&RDPD), the Wiltshire Core Strategy (adopted January 2015) (WCS), the Wiltshire Housing Site Allocations Plan (adopted February 2020) (SAP), and the Joint Melksham Neighbourhood Plan 2 2020-2038 (made August 2025) (JMNP2). The Secretary of State considers that relevant development plan policies include those set out at IR5.3-5.5.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as Wiltshire Local Transport Plan 2011-2026 (adopted 2015) and Wiltshire Local Transport Plan 2025-2038 (adopted 2025).

Emerging plan

11. The ELP was submitted for examination on 28 November 2024. On 27 February 2026 the Inspectors wrote to the Council suggesting withdrawal of the submitted plan due to significant soundness concerns. The ELP was withdrawn from examination by the Council on 22 May 2026 (IR1.6 and IR5.23-5.25).

12. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. Given its withdrawal and taking into account the uncertainty about housing figures the Secretary of State considers that she cannot attribute any weight to the ELP.

Main issues

13. The Secretary of State agrees with the Inspector that the main issues to be addressed are those set out at IR12.1.

Whether the appeal site is an appropriate location for the proposed development having regard to the WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6

14. For the reasons given at IR12.2-12.10 and IR12.49-12.51, the Secretary of State agrees that, noting the position of the appeal site beyond the settlement boundary for Melksham, the proposal is clearly contrary to WCS Policy CP2 (IR12.7). She notes that the appellant's planning witness accepts that the breach of WSC CP2 results in a breach of WCS CP15 and JMNP2 Policy 6 (IR12.8) and she agrees. Like the Inspector she does not find any direct conflict with WCS Policy CP1 (IR12.9). Overall, she agrees that the appeal site is not an appropriate location for the proposed development having regard to WSC policies CP2 and CP15 and JMNP2 Policy 6 (IR12.10). The Secretary of State agrees that WCS policies CP2 and CP15 and JMNP2 Policy 6 are out of date and further agrees that the harm arising from the conflict with these policies carries limited weight (IR12.51).

Other harm

15. For the reasons given at IR12.11-12.31 and IR12.51, the Secretary of State agrees that given the context and the scale of development proposed the proposal would result in some landscape harm, but that any harm would be limited and in the main fairly localised (IR12.17). In reaching this conclusion she has taken into account the findings of the LVIA addendum and the submitted development parameters plan which shows extensive areas of open space including areas along the northern, eastern and southern boundaries of the site which would allow for substantial landscaping to help to mitigate the visual effect of the development on the wider undeveloped area (IR12.17). She agrees that given the limited extent of the harm there would be no conflict with WCS CP52, CP51 and JMNP2 (IR12.18).

16. For the reasons given in IR12.21-12.23, the Secretary of State agrees with the Inspector that any part of the development that would take place on best and most versatile (BMV) agricultural land, including ancillary areas such as open space, would in effect result in its loss to agriculture, even if not being built on, given the residential and long-term nature of the proposal (IR12.21). She agrees that consequently, the amount of BMV loss would be higher than that stated by the appellant and in the absence of specific figures, is more

likely to be nearer to half of the appeal site area, so approximately 9 hectares (IR12.21). She agrees that the loss of BMV land attracts moderate weight (IR12.51).

17. The Secretary of State agrees that although the appeal site is outside of the settlement boundary of Melksham, it is adjacent to it, close to existing and proposed residential development and services and facilities (IR12.25). Like the Inspector, she is satisfied that it has good connectivity and notes that no concerns were raised in this regard by the Council who consider Melksham to be a sustainable location with the potential for significant development (IR12.25). She agrees there is therefore no conflict with WCS policies CP60 and CP61 and JMNP2 Policy 11 (IR12.25).

18. The Secretary of State agrees that there is no evidence that the proposal would result in an increase in flooding nearby or that suitable drainage cannot be provided to serve the development. She agrees that the Developable Parameters Plan would ensure that developable areas are within Flood Zone 1 and can be secured by condition (IR12.26) and further agrees that there is therefore no conflict with WCS Policy CP67 or Policy 3 of the JMNP2 (IR12.26).

19. The Secretary of State has carefully considered the Inspector's analysis at IR12.27-12.31 and overall agrees with the Inspector's conclusions regarding highways safety and traffic impact, effect on designated heritage assets, access to services, facilities and employment opportunities, restrictions on the future use of the sports clubs and connectivity across the site.

Housing and Housing Land Supply

20. For the reasons given at IR12.32-12.42 and IR12.49-12.52, the Secretary of State agrees with the Inspector, who accepts the appellant's figure, that the extent of the five year housing land supply[1] (5yrHLS) is 2.16 years which equates to 10,405 dwellings, and that there is a very significant shortfall (IR12.38).

21. The Secretary of State agrees that the proposal is capable, subject to being brought forward quickly, of making a meaningful contribution to the 5yrHLS position of the Council. She agrees, given the Council's recent Housing Delivery Test results and the current extent of the Council's 5yrHLS shortfall that the provision of market housing on the scale proposed carries significant weight (IR12.40). In reaching this conclusion she has taken into account the previous housing delivery in the Melksham area. She further agrees that given the unchallenged evidence of an acute need for affordable housing in the area, the contribution to affordable housing should carry significant weight (IR12.42).

Other considerations

22. The Secretary of State has taken into account that the development also includes land for a community use or building, the provision of on-site publicly accessible open space, the provision of an equipped play space and improvements to the public rights of way network and agrees that moderate weight should be given to these other social benefits of the proposal (IR12.43-12.48).

[1] The Secretary of State notes that the Inspector references a 2.16 year shortfall rather than a 2.16 year supply as correctly stated in IR12.32.

23. The Secretary of State agrees that the short-term economic benefits during the construction period and long-term economic benefits from additional spending in the local area carry moderate weight in favour of the proposal (IR12.44).

24. For the reasons given at IR12.45-12.46, the Secretary of State agrees that noting the extent of the biodiversity net gain (BNG) proposed, moderate weight should be attached to the environmental benefits of exceeding statutory requirements (IR12.45). She further agrees that moderate weight should be attached to the environmental benefits of improvements to on-site surface water drainage (IR12.46).

25. For the reasons given at IR12.47, the Secretary of State agrees that the accesses do not offer wider benefits and should carry no weight, and like the Inspector does not consider there would be landscape enhancement or that this would amount to an environmental benefit.

26. The Secretary of State has had careful regard to the Inspector's analysis at IR12.53-12.67, including the question of whether the provisions of paragraph 14 of the Framework apply and are determinative in this case.

27. There is no dispute that the neighbourhood plan is less than five years old (IR12.54), and the Secretary of State has found conflict with Policy 6 of the JMNP2. She has also taken into account that the JMNP2 allocations provide for a figure of up to 415 dwellings plus any dwellings provided at Whitley Farm (IR12.55). This is greater than the figure of 270 dwellings for the neighbourhood plan area for the plan period of 2020-2038, and the Secretary of State notes the position of the Council and interested parties that JMNP2 is overproviding against its housing requirement (IR12.55).

28. However, the Secretary of State has taken into account that the JMNP2 housing figure is derived from the ELP, and the ELP has been withdrawn due to concerns about soundness, some of which are strategic in nature and relate to housing (IR12.57). She agrees that the WCS figures, which would have been replaced by the ELP figures, are significantly out of date (IR12.58), and further notes that the housing requirement of any new plan to replace the WCS will be expected to be calculated in accordance with the standard method: based on the current standard method, this will result in a higher housing requirement for Melksham than that set out within either the WCS or the ELP (IR12.59). She has also taken into account that parties agree that the settlement boundary of Melksham is out of date and does not align with current housing needs for the town, and that Melksham is a sustainable location for new residential growth (IR12.60).

29. Like the Inspector the Secretary of State recognises the significant amount of time and effort producing the JMNP2 which is very recently made and reflects local wishes, and which was recognised as exemplar by the Independent examiner. However, she agrees that there is a high level of uncertainty regarding the housing requirement for Melksham (IR12.59), and that based on the evidence before the inquiry, the housing requirement is not a sound basis upon which to assess housing proposals in Melksham (IR12.61). Like the Inspector she is also not convinced that the higher housing figure provided for by the JMNP2 allocations is likely to be enough to meet the needs of the neighbourhood plan area moving forward (12.61).

30. Overall, for the reasons given at IR12.53-12.67, and in the particular circumstances of this case, the Secretary of State agrees that taking into account the substantial housing land supply shortfall in the area, including the affordable housing shortfall, and the

withdrawal of the ELP, the adverse impact of allowing development that conflicts with the neighbourhood plan does not significantly and demonstrably outweigh the benefits. She agrees that in this case, conflict with the neighbourhood plan is not determinative (IR12.63).

Planning conditions

31. The Secretary of State had regard to the Inspector's analysis at IR12.68-12.75, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex B should form part of her decision.

Planning obligations

32. The Secretary of State has had regard to the Inspector's analysis at IR12.76-12.80, the planning obligation dated 5 February 2026, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR12.79, she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

Planning balance and overall conclusion

33. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with WCS Policy CP2 and CP15 and JMNP2 Policy 6 of the development plan. Given that these policies form an important part of the spatial strategy for the area, she agrees with the inspector in finding conflict with the development plan as a whole (IR12.51). She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

34. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

35. Weighing in favour of the proposal is the provision of open market housing and affordable housing which each carry significant weight; and the other social benefits, short- and long-term economic benefits, BNG and improvements to on-site surface water drainage which each carry moderate weight.

36. Weighing against the proposal is the loss of BMV agricultural land which carries moderate weight; and the landscape harm and the harm arising from conflict with out of date development plan policies which each carry limited weight.

37. The Secretary of State considers that there are no protective policies which provide a strong reason for refusing the development proposed. She further considers that the

adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, including paragraph 14, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The presumption in favour of sustainable development therefore applies.

38. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

39. The Secretary of State therefore concludes that that the appeal should be allowed and planning permission granted subject to conditions.

Formal decision

40. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission, subject to the conditions set out in Annex B of this decision letter, for your client's outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works, in accordance with application ref PL/2024/07097, dated 30 June 2025.

41. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

42. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

43. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

44. A copy of this letter has been sent to Wiltshire Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Emma Hopkins
Decision officer

This decision was made by Matthew Pennycook MP, Minister of State for Housing and Planning, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
B Mathew MP	25 February 2026
B Mathew MP	15 June 2026
F Moreland	19 June 2026

Annex B List of conditions

1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

2) Application(s) for the approval of all reserved matters specified in Condition 4 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

3) No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

   Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the quantities of open market and affordable housing as well as the community area, POS, on-site BNG provision, and on-site play provision uses and associated infrastructure relevant to any given phase.

   The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

   In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

   The development shall be carried out in strict accordance with the provisions of the approved phasing plan.

4) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

   a) The scale of the development.
   b) The layout of the development.
   c) The external appearance of the development.
   d) The landscaping of the site.

   The development shall be carried out in accordance with the approved details.

5) The development hereby permitted shall be carried out in a phased manner in accordance with the following approved plans and documents:

   Dwg 05d, Location Plan, received on 22 May 2025;
   Dwg AI14h, Development Parameters Plan, received on 22 May 2025;
   Dwg 18507-03-1 Rev C, Proposed Roundabout Site Access and Crossing Works (North Access), received on 22 July 2025;
   Dwg 18507-06, Proposed Roundabout Site Access (South Access), received on 22 May 2025;
   Dwg 18507-03-3 Rev A, Proposed Toucan Crossing, received on 4 September 2024;

Ecological Impact Assessment (Produced by Ethos, issue V1, dated July 2024);
Great Crested Newt Licensed Mitigation Strategy (Produced by Ethos, issue V1, dated March 2025);
Ecological Parameters Plan (Produced by Ethos, dated 15 May 2025);
Tree Retention and Removal Plans (produced by EDP, reference edp8111_d002b (Overview and Sheets 1- 4)

6) The subsequent reserved matters application(s) (phased or otherwise) to be submitted pursuant to Condition 4 shall accord with the principles, objective and parameters set out in the Design and Access Statement (produced by Catesby Estates, Parts 1-4, Rev D, dated 24 July 2024) and the Design and Access Statement Addendum (produced by Catesby Estates, Rev C, dated 6 March 2025) to ensure a high standard of design and placemaking is achieved at detailed design stage and shall include an acoustic design scheme for protecting the proposed dwellings from external (traffic) noise.

7) The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:
   - Plan to deliver a contiguous carriageway network to reduce the need for large vehicle turning areas.
   - Provide refuse collection vehicle tracking and walking distances to collection points.
   - Provide full details of pedestrian realm infrastructure and the means to identify priority and continuity across side roads and where routes cross the spine road.
   - Provide full details of Public Rights of Way treatment, including construction and surfacing materials where appropriate and any diversions/stopping up.
   - Provide an access and movement plan illustrating dedicated walking and cycling routes, construction, geometry and connectivity with external networks.
   - Provide full details of Shared Surface streets and transitions, including geometry details and material treatment
   - Provide full details for the on-street landscaping.
   - Provide details on speed restraint measures to reduce on-site traffic speeds to 20mph or lower.

   With the aforesaid requirements for any given phase to be submitted to and approved in writing by the Local Planning Authority before any on site works commence. Following receipt of written approval, the work shall be delivered in full accordance with the phasing plan.

8) A detailed housing mix strategy, including the number and size of dwelling units shall be submitted as part of the reserved matters application(s) (phased or otherwise). The development shall be carried out in accordance with the approved housing mix.

9) A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the housing development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, water efficiency, electric vehicle charging points, cycle parking, and sustainable transport for the written approval of the Local Planning Authority. The development shall be

carried out in accordance with the approved details.

10) No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

11) No development shall commence on site until:

a) A Written Programme of archaeological investigations is submitted to, and approved in writing by, the Local Planning Authority. This programme will include archaeological Strip, Map and Record (SMR) excavations covering the locations of evaluation trenches 5, 6, 7, 8 and 9 in Field 1(field numbers as defined by the evaluation report of January 2025) and trenches 33, 35, 36, 43, 44, 45, 50, 51, 53, 55, 56 and 57 in Field 4, as well as an open area excavation site in Field 2, covering locations of evaluation trenches 19, 20, 22, 24, 26, 27, 28, 29 and 30. The written programme should include all on-site work and off-site work, including the analysis, publishing and archiving of the results; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details between the calendar months of April and September.

The excavations and required works are to be undertaken by qualified archaeologists following the standards and guidelines for Sites and Monuments Records and open area excavations, as set out by the Chartered Institute for Archaeologists (CIfA).

12) No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.
- Providing drainage calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100-year return period storm events.
- Large attenuation features shall achieve a minimum of 300mm freeboard above the 1 in 100 year + 45% climate change water level.
- Confirmation that there is sufficient attenuation on site to fully attenuate the 1 in 100 years plus climate change storm event.
- Full labelled drawings for the proposed drainage layout, including layout plans to show the pipe network and attenuation ponds, which should correspond with the drainage calculations.
- Cross sections and design details for all attenuation ponds and their

components.

- Confirmation that all development and SuDs attenuation areas are located outside the current and future flood extents.
- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.
- Construction phasing plan.

The development shall then be carried out in accordance with the approved details.

No housing shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

13) No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

14) No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

i. The movement of construction vehicles;
ii. The parking of vehicles of site operatives and visitors;
iii. The cutting or other processing of building materials on site;
iv. Wheel washing and vehicle wash down facilities;
v. The transportation and storage of waste and building materials;
vi. The storage of plant and materials used in constructing the development;
vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
viii. Measures to control the emission of dust and dirt during construction;
ix. A scheme for recycling/disposing of waste resulting from demolition and construction works;
x. Measures for the protection of the natural environment;
xi. Pre-condition photo survey of local roads and highway infrastructure;
xii. Large Vehicle Routing plan;
xiii. Traffic Management Plan (including signage drawing(s));
xiv. Number (daily/weekly) and size of delivery vehicles;
xv. Number of staff vehicle movements;
xvi. Details of temporary/permanent Traffic Regulation Orders;
xvii. Construction phasing plan;
xviii. The recycling of waste materials (if any);
xix. The loading and unloading of equipment and materials;
xx. The location and use of generators and temporary site accommodation;
xxi. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts;
xxii. Hours of construction, including deliveries;
xxiii. Hours of Operation (8am to 6pm Mon – Fri, 8am – 1pm Sat, no working on Sundays or Bank Holidays)

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

15) No development shall commence on each phase of the development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to the following, and the development shall be carried out in strict accordance with the approved CEMP:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;

b. Working method statements for protected/priority species, such as bats, nesting birds, riparian mammals and reptiles;

c. Mitigation strategies for great crested newts and badger – this should comprise the preconstruction/construction related elements of strategies only;

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;

e. No external night-time works or use of artificial lighting during the construction phase;

f. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals;

g. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

16) No site clearance or development shall commence on each phase of the development hereby approved until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

i. An Ecological Enhancement Plan showing:

a. The location, number and type of features for wildlife in accordance with Paragraph 7.2.1 of the Ecological Impact Assessment.

b. Locations of fence gaps for hedgehogs.

c. The location, type and extent of exclusion measures (e.g. fencing) to protect sensitive ecological features i.e., great crested newt breeding pond.

d. Identification of the habitats to be created/enhanced and managed specifically for the benefit of target species i.e. great crested newt.

ii. Long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature shown on the Ecological Enhancement Plan.

iii. The mechanism for monitoring success of the management prescriptions and a procedure for review and necessary adaptive management in order to attain targets.

iv. Details of the mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

17) No site clearance or development shall commence on each phase of the development hereby approved until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan, has been submitted to and agreed in writing with the Local Planning Authority. The HMMP shall include:

1. A non-technical summary;

2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;

3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;

4. The management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and

5. The monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation, and corresponding post intervention Habitat Map), which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period.

6. A timetable for the delivery of the habitation creation enhancement works

The created and/or enhanced habitat shall be managed and maintained in accordance with the agreed HMMP at all times thereafter.

18) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the northern access have been submitted to and approved in writing by the Local Planning Authority.

The construction details shall take into consideration planned and delivered pedestrian infrastructure in the vicinity of the junction, including necessary carriageway surface treatments, and shall incorporate details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling served from the northern access, the northern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

19) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the southern access facilities have been submitted to and approved by the Local Planning Authority. The construction details shall include details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit. Prior to first occupation of any dwelling served from the southern access, the southern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

20) No works shall commence (except for site enabling or site clearance operations) on site until full details of all internal estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works (or during which phase) shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

21) The internal estate roads, including footpaths and turning spaces where necessary, shall be constructed so as to ensure that before that phase is occupied, each dwelling shall be provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

22) No development shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

23) No development shall commence above ground floor slab level until full construction details of the proposed toucan crossing and bus stop and shelter

provision have been submitted to and approved in writing by the Local Planning Authority. The construction details shall include but not be limited to all necessary surface treatments to accommodate the crossing, shelter and real time information specification and orientation of bus stops to maximise pedestrian crossing visibility.

The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling, the Toucan Crossing and Bus Stop/Shelter provision shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

24) No development shall commence above ground floor slab level until full design and construction details of an extension of the existing shared walking and cycling facility along the eastern side of Eastern Way linking the existing facility to the south with Bridleway MELW41 in the north have been submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the 150th dwelling, the shared walking and cycling facility shall be provided in all respects in accordance with the approved details and maintained as such thereafter.

25) All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 'Bats and artificial lighting at night', issued by the Bat Conservation Trust and Institution of Lighting Professionals and shall demonstrate that bat habitat (trees with bat roost potential, Clacker's Brook river corridor and hedgerows) on the perimeter of the site shall remain below 0.5 lux (or no higher than existing.

26) The Reserved Matters application(s) (phased or otherwise) shall be accompanied by an updated mitigation strategy For Great Crested Newt and Badger. The mitigation strategies shall be informed by up-to-date surveys where required.

27) The site for the Community Use/Building, as shown on the Development Parameter Plan Reference AI14h, shall be delivered by the occupation of the 200th dwelling, in accordance with details and a specification to be submitted to and approved in writing by the Local Planning Authority.

Planning Inspectorate

Report to the Secretary of State

by Beverley Wilders BA (Hons) PgDURP MRTPI

Inspector appointed by the Secretary of State

Date 15 June 2026

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY

Mr Ian Humble (Catesby Estates Promotions Limited)

Land South of Snarlton Farm, Snarlton Lane, Melksham SN12 7QP

Inquiry opened on 20 January 2026. Site visit on 23 January 2026.

Land South of Snarlton Farm, Snarlton Lane, Melksham SN12 7QP

File Ref:APP/Y3940/W/25/3373278

TABLE OF CONTENTS

	List of abbreviations	3
1	Procedural Matters	4
2	The Site and Surroundings	5
3	Relevant Planning History	5
4	The Proposal	5
5	Policy and Guidance	6
6	Agreed Matters	13
7	The Case for Catesby Estates Promotions Limited	16
8	The Case for Wiltshire Council	38
9	The Cases for Interested Parties appearing at the Inquiry	47
10	Written Representations	56
11	Conditions and Planning Obligation	57
12	Inspector Considerations	57
	Main Considerations	
	Whether the appeal site is an appropriate location for the proposed development	
	If not, whether the proposal would result in any other harm, with particular regard to landscape and BMV	
	Whether the Council can currently demonstrate a five-year housing land supply and if not, the extent of the shortfall	
	Any benefits of the proposal and the weight to be given to them	
	If the Council cannot demonstrate a five-year housing land supply, whether the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, taking into account the recently made NP and the wording of paragraph 14	
	Conditions and Planning Obligation	
	Conclusion and overall Planning Balance	
13	Recommendation	72
	Annexes	
A	Appearances	73
B	Core Documents	74
C	Inquiry Documents	75
D	Schedule of recommended conditions	76

LIST OF ABBREVIATIONS

TERM	DEFINITION/DESCRIPTION
BNG	Biodiversity Net Gain
EIA	Environmental Impact Assessment
DP	Development Plan
EIA Regulations	The Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 (as amended)
ELP	Emerging Local Plan for Wiltshire (Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Regulation 19)
ES	Environmental Statement
5yrHLS	Five Year Housing Land Supply
FRA	Flood Risk Assessment
the Framework	National Planning Policy Framework
GBI	Green & Blue Infrastructure
Ha	Hectares
JMNP2	Joint Melksham Neighbourhood Plan 2 2020-2038 (made August 2025)
KM	Kilometres
LCA	Landscape Character Area
LHNA	Local Housing Needs Assessment
LVIA	Landscape and Visual Impact Assessment
LLFA	Lead Local Flood Authority
L&RDP	Leisure & Recreation Development Plan Document (January 2009)
NDP/NP	Neighbourhood Development Plan/Neighbourhood Plan
NPPG	National Planning Policy Guidance
POE	Proof of Evidence
PROW	Public Right of Way
QB	Qualifying Body
RfR	Reason for Refusal
SAP	Wiltshire Housing Site Allocations Plan (adopted February 2020)
SHMA	Strategic Housing Market Assessment
SoCG	Signed Statement of Common Ground dated 13 January 2026.
SoS	Secretary of State
S106	S106 of the Town & Country Planning Act 1990 (as amended)
TCPA	Town & Country Planning Act 1990 (as amended)
WCS	Wiltshire Core Strategy (adopted January 2015)
WLCA	Wiltshire Landscape Character Assessment

File Ref: APP/Y3940/W/25/3373278
Land South of Snarlton Farm, Snarlton Lane, Melksham SN12 7QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Ian Humble (Catesby Estates Promotions Limited) against the decision of Wiltshire Council.
- The application Ref PL/2024/07097 was dated 30 June 2025 and was refused by notice dated 5 August 2025.
- The development proposed is outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.
- The reason given for making the direction is that the appeal involves proposals for residential development of over 150 units or on sites of over five hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Summary of Recommendation: The appeal be allowed subject to the conditions set out below.

1. PROCEDURAL MATTERS

1.1 The appeal was recovered for decision by the SoS by direction made under section 79 and paragraph 3 of Schedule 6 of the TCPA on 29 January 2026.

1.2 The description of development used in the heading above has been taken from the planning application form but with reference to the appeal site location removed as this is not a description of development.

1.3 A S106 planning obligation was submitted in draft form, discussed at the Inquiry, and subsequently completed on 5 February 2026[1]. The completion of the S106 planning obligation resulted in Reason for Refusal 2 on the Council's Decision Notice[2] relating to infrastructure requirements being regarded as resolved by the Council. I deal further with this matter below.

1.4 An ES[3] was submitted with the application. However, the Planning Inspectorate issued a negative screening direction on behalf of the SoS on 17 November 2025[4] stating that the proposed development is not EIA development.

1.5 Following the close of the Inquiry, an appeal decision for another proposed residential development in Melksham was issued[5]. The parties have been given the opportunity to comment on this decision and in making my recommendation, I have had regard to it and to the comments received where relevant.

[1] ID1, ID11, ID15
[2] CD9.3
[3] CD7.11
[4] CD10.5
[5] APP/Y3940/W/25/3374421 Land off Woodrow Road Allowed 9 April 2026

1.6 Additionally, the Council withdrew the Wiltshire Local Plan Pre Submission Draft 2020 – 2038 (Regulation 19) (ELP) from examination on 22 May 2026[6], after the Inquiry had closed. The parties have been given the opportunity to comment on any implications that may have on the determination of the appeal. I have had regard to any comments received where relevant.

2. THE SITE AND SURROUNDINGS

2.1 The appeal site comprises approximately 19.2 hectares of agricultural land currently in arable use together with two points of access onto Eastern Way to the west of the site. Clackers Brook runs east-west through the site and is bordered by a belt of trees and scrub planting. The site is served by two public footpaths: Footpath MELW 22, which roughly follows the course of Clackers Brook through the site from east to west; and Footpath MELW 23, which runs broadly east-west just south of an attenuation basin, which falls outside of the site. The basin was constructed in 2019-2020 providing a sustainable drainage function for residential development to the west of Eastern Way and discharging into Clackers Brook.

2.2 The site is located to the south of Snarlton Farm and to the north of Melksham Town Football Club and Melksham Rugby Football Club. It lies to the east of the market town of Melksham which is located within the administrative area of Wiltshire Council. Melksham is the sixth largest of Wiltshire's 16 main settlements.

3. RELEVANT PLANNING HISTORY

3.1 Outline planning permission was sought for an earlier version of the proposal in 2023, but the application was withdrawn prior to a decision being made by the Council (Ref: PL/2023/07107).

3.2 In 2016 outline planning permission was granted subject to a S106 agreement for a development including up to 450 dwellings at Land East of Spa Road to the west of the site (Ref:14/10461/OUT) with the associated approval of the attenuation basin to serve the development at Spa Road (Ref: 2018/02128).

3.3 Additionally, outline planning permission subject to a S106 agreement was granted in May 2025 for development including up to 500 dwellings at Blackmore Farm to the north of the site (Ref: PL/2023/11188)[7].

4. THE PROPOSAL

4.1 Outline planning permission with all matters reserved except for access is being sought for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.

4.2 Eastern Way is a distribution road to the east of Melksham. Access to the site is proposed via two roundabouts on Eastern Way. One roundabout already exists (Cranesbill Road and Eastern Way junctions), and a fourth arm is

[6] ID23
[7] CD9.4 – CD9.6

proposed to the existing roundabout as part of the proposal to serve development to the north of Clackers Brook. A second, new roundabout, is proposed to the south to serve development on the site to the south of Clackers Brook. No details have been provided regarding access arrangements within the site, this would be conditioned and dealt with at reserved matters stage.

4.3 The development includes the erection of up to 300 dwellings, 30% of which would be affordable housing. The submitted development parameters plan shows residential development in four blocks, two to the north of Clackers Brook and two the south, with a residential developable area of 8.68 hectares of the 19.2 hectares site. Land (approximately 0.32 hectares) is currently shown for community use, or building, on the indicative masterplan and a large area of open space (8.76 hectares) is proposed centrally within the site. This land is shown on the masterplan to include areas of Local Equipped Areas of Play, children's kick about area and ecological enhancement. A further 0.13 hectares is proposed as allotments.

5. POLICY AND GUIDANCE

The Development Plan

5.1 The Development Plan for Wiltshire Council comprises:

- Wiltshire Core Strategy (adopted January 2015) (WCS)[8]
- Joint Melksham Neighbourhood Plan 2 2020-2038 (made August 2025) (JMNP2)[9]
- Saved Policies of the West Wiltshire District Plan First Alteration (June 2004) (WWDP)[10]
- Wiltshire Local Transport Plan 2011-2026 (adopted 2015) – (not all of the policies in this plan were replaced by the 2025 Transport Plan)
- Wiltshire Local Transport Plan 2025-2038 (adopted 2025)
- Wiltshire and Swindon Waste Core Strategy 2006-2026 (adopted July 2009)
- Wiltshire Housing Site Allocations Plan (adopted February 2020) (SAP)[11]
- West Wiltshire Local Development Framework Leisure & Recreation Development Plan Document (January 2009) (L&RDPD)[12]

5.2 Relevant policies within these Development Plan documents are set out within the agreed SoCG[13] and are detailed below:

[8] CD3.1
[9] CD3.5
[10] CD3.2
[11] CD3.4
[12] CD3.3
[13]CD10.3

5.3 The WCS policies of relevance as agreed by the parties are[14]:

- Core Policy 1 – Settlement Strategy (CP1)

  Policy outlines the settlement strategy for the area and identifies the settlements where sustainable development will take place. It identifies the principal settlements, the market towns and local service centres and broadly sets out what level of development will be appropriate in each of these settlement types as well as in large and small villages identified elsewhere in the Plan.

- Core Policy 2 – Delivery Strategy (CP2)

  Policy sets out the delivery strategy to deliver development in Wiltshire in the most sustainable manner. It sets out the required level of housing and employment and where and how this will be delivered. The policy also broadly sets out what development will be permitted within and outside the defined limits of development, as defined on the policies map.

- Core Policy 3 – Infrastructure Requirements (CP3)

  This policy sets out infrastructure requirements and priorities for proposals as well as delivery responsibilities.

- Core Policy 15 – Spatial Strategy – Melksham Community Area (CP15)

  Policy states that development in the Melksham Community Area should be in accordance with Core Policy 1. It sets out how many homes will be provided in the community area and how many of these should occur in Melksham and how many within the rest of the community area.

- Core Policy 43 – Providing Affordable Housing (CP43)

  This policy sets out affordable housing requirements on sites of five or more dwellings, usually either 30% or 40% depending on location.

- Core Policy 45 – Meeting Wiltshire's Housing Needs (CP45)

  Policy sets out the requirements for the provision of market and affordable housing in terms of design, tenures and size.

- Core Policy 50 – Biodiversity and Geodiversity (CP50)

  This policy sets out the expectations in relation to biodiversity including enhancement, geodiversity and local sites.

- Core Policy 51 – Landscape (CP51)

  This policy seeks to protect, conserve and where possible enhance landscape character and sets out expectations for proposals including those affecting Areas of Outstanding Natural Beauty (now National Landscapes), the New Forest National Park and Stonehenge and Avebury World Heritage Site.

[14] CD10.3 page 4

- Core Policy 52 – Green Infrastructure (CP52)

  Policy requires proposals to make provision for the retention and enhancement of green infrastructure and for the provision of suitable links to it. It also sets out expectations for developments in relation to green infrastructure.

- Core Policy 57 – Ensuring High Quality Design and Place Shaping (CP57)

  This policy requires a high standard of design in all new developments and an expectation to create a strong sense of place. Proposals must demonstrate how development complies with the criteria listed in the policy.

- Core Policy 58 – Ensuring the Conservation of the Historic Environment (CP58)

  Policy states that development should protect, conserve and where possible enhance the historic environment.

- Core Policy 60 – Sustainable Transport (CP60)

  This policy sets out how the Council will help to reduce the need to travel particularly by private car and support sustainable, safe and efficient movement of people and goods.

- Core Policy 61 – Transport and Development (CP61)

  Policy states that new development should be located and designed to reduce the need to travel, particularly by private car and to encourage sustainable transport alternatives. It also sets out the requirements for transport assessments, contributions and travel plans.

- Core Policy 62 – Development Impacts on the Transport Network (CP62)

  This policy deals with the impact of development on the transport network.

- Core Policy 64 – Demand Management (CP64)

  Policy seeks to promote demand management measures where appropriate and sets out what these measures include.

- Core Policy 67 – Flood Risk (CP67)

  This policy sets out requirements for proposals in flood zones 2 and 3 and states that all new development will include measures to reduce the rate of rainwater run-off and to improve rainwater infiltration to soil and ground.

5.4 The relevant JMNP2 policies as agreed by the parties are[15]:

- Policy 1 – Sustainable Design and Construction

[15] CD10.3 pages 5 & 6

This policy requires development proposals to demonstrate how they have mitigated and been designed to adapt to the impacts of climate change.

- Policy 3 – Flood Risk and Natural Flood Management

  Policy sets out expectations for development proposals in relation to flood risk.

- Policy 4 – Ultra Low Emission Vehicle Charging

  This policy provides general support for the installation of public on-street electric charging facilities.

- Policy 5 – Pre-application Community Engagement

  Policy sets out expectations for community engagement on development proposals.

- Policy 6 – Housing in defined settlements

  This policy sets out how development proposals within and outside of settlement boundaries will be considered and addresses housing types and tenures.

- Policies 7.1 – 7.5 – Allocations of Land for Housing

  These policies allocate five sites within the JMNP2 area for development, including housing. They set out the quantum and type of development, specify what information is required to be submitted to support development proposals and set out various development requirements.

- Policy 8 – Infrastructure Phasing and Priorities

  This policy requires proposals for housing development to consider, assess and address infrastructure requirements and to ensure that any required infrastructure is delivered in a timely manner.

- Policy 11 – Sustainable Transport and Active Travel

  Policy relates to sustainable transport matters including setting out expectations in relation to development proposals and providing support for proposals that improve accessibility and quality of links between the town and Melksham railway station.

- Policy 12 – Green and Blue Infrastructure

  This policy sets out the approach to Green and Blue Infrastructure including requirements for development proposals for major development.

- Policy 13 – Biodiversity

  Policy sets out the expectations and requirements in relation to biodiversity, including enhancement.

- Policy 15 – Community Facilities

  This policy relates to the loss of and provision of community facilities.

- Policy 17 – Trees and Hedgerows

  Policy sets out the approach to trees and hedgerows including ancient and veteran trees, other existing trees and hedgerows and increased tree canopy requiring development proposals to retain existing trees and hedges where possible.

- Policy 18 – Landscape Character

  This policy sets out expectations for development proposals in terms of landscape character.

- Policy 19 – Separation of Settlements

  Policy requires development proposals to respect the separation between the listed settlements and sets out expectations for proposals between settlements.

- Policy 20 – Locally Distinctive, High Quality Design

  This policy sets out design expectations for development proposals within the JMNP2 area.

5.5 The relevant WWDP policies as agreed by the parties are[16]:

- U1a – Foul Water Disposal

  This policy relates to foul drainage, sewerage and sewage treatment facilities and sets out expectations for development.

- I2 – Arts

  Policy states that where appropriate, a percentage of the overall cost of development will be sought to further an artistic objective in a practical manner.

- I3 – Access for Everyone

  This policy requires proposals to provide adequate access for disabled people in the layout of development including the provision of disabled parking.

National Policy

5.6 The following chapters and paragraphs of the National Planning Policy Framework (the Framework) are particularly relevant.

5.7 Chapter 2 – Achieving sustainable development and in particular paragraphs 11 to 14.

5.8 Paragraph 11(d) states "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date*, granting permission unless:

[16] CD10.3 page 5

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

*This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232".

5.9 Paragraph 12 states that "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

5.10 Paragraph 13 states "the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies".

5.11 Paragraph 14 states "In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)".

5.12 Chapter 4 – Decision Making and in particular paragraphs 48 and 49.

5.13 Paragraph 48 states "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".

5.14 Paragraph 49 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*.

*During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1".

5.15 Chapter 5 – Delivering a sufficient supply of homes and in particular paragraph 61 which states "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community".

5.16 Paragraph 69 refers to the need for strategic policies to "set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement".

5.17 Paragraph 70 states that "Where it is not possible to provide a requirement figure for a neighbourhood area*, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

*Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted: or in instances where strategic policies for housing are out of date."

5.18 Paragraph 78 which states, amongst other things, that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".

5.19 Chapter 9 – promoting sustainable transport.

5.20 Chapter 12 – Achieving well-designed places.

5.21 Chapter 15 – Conserving and enhancing the natural environment, in particular paragraphs 187 and 188 including footnote 65. Amongst other things, paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and

beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

5.22 Whilst paragraph 188 relates to plans, footnote 65 is of some relevance and states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Emerging Policy

5.23 The emerging Local Plan for Wiltshire (ELP)[17] was submitted for examination on 28 November 2024 and was being progressed via the transitional arrangements set out at paragraph 234(b) of the Framework. Examination hearings took place in June and November 2025 with various correspondence between the examining Inspectors and the Council since then. On 27 February 2026 the Inspectors wrote to the Council[18] suggesting withdrawal of the submitted plan due to significant soundness concerns. A response to the letter was provided by the Council on 12 March 2026[19] and concluded that the decision on how to proceed with the ELP will need to be taken by elected members and that the intention is to take a report to scheduled Cabinet and Council meetings in May 2026.

5.24 The parties have been given the opportunity to comment on recent correspondence in relation to the ELP, with a response being received from the Appellant dated 19 March 2026[20] and a response from the Council dated 20 March 2026[21]. I have taken these responses into account in making my recommendation.

5.25 As stated above, the ELP was withdrawn from examination by the Council on 22 May 2026.

6. AGREED MATTERS[22]

Development Plan

6.1 That the strategic policies in WCS are more than five years old and that WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6 are out of date for the purpose of the determination of the appeal.

National Planning Policy Framework Paragraph 14

6.2 That the JMNP2 was made on 4 August 2025 and is therefore less than five years old. Paragraph 14 of the Framework is engaged.

[17] CD4.1
[18] ID17
[19] ID18
[20] ID19
[21] ID20
[22] Statement of Common Ground CD10.3

Housing Needs

6.3 That based on the Five-Year Housing Land Supply (5yrHLS) Position Statement (base date April 2024)[23] the Council cannot demonstrate a 5-year housing land supply.

6.4 That the proposal is capable, subject to it being brought forward quickly, to make a meaningful contribution to the 5yrHLS position of the Council and that it would provide 30% affordable housing. The proposal would be consistent with WCS policies CP43 and CP45.

Site Location

6.5 That the site is outside of the settlement boundary of Melksham, and it is agreed that the settlement boundary of Melksham, as set out in the SAP, is out of date and does not align with the current housing needs for Melksham.

6.6 That the site is not allocated in the JMNP2, nor is it a draft allocation in the ELP.

6.7 That Melksham is a sustainable location for new residential growth.

Transport and Highways

6.8 That the proposed access is appropriate and safe and that the highway proposals are appropriate for the scale of development and are in keeping with the existing infrastructure on the Eastern Way highway corridor.

6.9 That the proposed development would be integrated with existing development to the west via a new toucan crossing and this would aid active travel connecting to the existing PROW network.

6.10 That Melksham Railway Station is 2.5km from the site and that this is a reasonable distance for cyclists. The local bus services past the site entrance are frequent Monday – Saturday.

6.11 That there are local facilities and services in close proximity to the site and the site is reasonably well located in terms of access to local schools.

6.12 That the proposal is consistent with WCS Policy CP57 and JMNP2 Policy 11.

6.13 That the proposal would not result in an unacceptable impact on highway safety.

Drainage

6.14 That foul water will drain into the new sewer network located in the road and that the LLFA raised no objection to the proposal in relation to foul and surface water. The proposal complies with saved Policy U1 of the WWDP.

6.15 That the submitted FRA[24] confirms that the site is impacted by Flood Zones 1, 2 and 3, with Flood Zones 2 and 3 being either side of Clackers Brook and the proposed development and developable areas being restricted to land that is

[23] CD5.1
[24] CD7.13

in Flood Zone 1 only. The Developable Parameters Plan[25] would ensure that developable areas are within Flood Zone 1 and can be secured by condition.

6.16 That the majority of the developable area of the site are at low risk from surface water flooding. Areas of surface water flood risk would effectively disappear post development by minor land reprofiling and through on-site drainage betterment and a formal drainage strategy. It is agreed that the drainage strategy offers a sustainable, safe and robust system which will provide flood risk protection to the future residents of the site.

6.17 That the proposal would not impact strategic water assets and infrastructure.

6.18 That the proposal complies with WCS Policy 67 and JMNP2 Policy 3.

Landscape & Arboriculture

6.19 That the site has no statutory or non-statutory designations regarding landscape.

6.20 That the proposal would result in a localised impact on the landscape due to the loss of green fields and their development for housing with consequential harm to the landscape.

6.21 That sufficient vegetated buffers are shown on the Development Parameters Plan[26] that would allow for appropriate landscape mitigation to be provided.

6.22 That the site is predominantly classified as Grade 3a and 3b agricultural land with a small area of Grade 2 in the area of the attenuation basin.

6.23 That the site is not located within an area which should be kept development free for the visual and physical separation of settlements as set out in JMNP2 Policy 19.

6.24 That the proposal is consistent with WCS Policy CP52.

6.25 That there is no statutory objection in relation to arboriculture.

Amenity

6.26 That the level of onsite open space provision is appropriate.

6.27 That there are no concerns in respect of land contamination.

6.28 That residents of the site would not be harmfully impacted by noise or disturbance at Melksham Town Football Club and that no noise mitigation is required.

6.29 That the proposal is consistent with WCS policies CP57 and CP58, policies LP4, LP5 and YP1 of the L&RDPD, paragraph 135 of the Framework and the Council's adopted Design Guide.

Heritage

6.30 That the proposal would not result in harm to heritage assets.

[25] CD7.5
[26] CD7.5

6.31 That archaeology found on site is likely to have only local significance and should not prevent the grant of planning permission.

6.32 That the proposal is consistent with WCS policies CP57 and CP58 and paragraphs 207 and 216 of the Framework.

Ecology

6.33 That there are no statutory or non-statutory nature conservation designations present within or adjacent to the site. Habitats on site are not considered to be of ecological importance but support several protected species. Mitigation measures are proposed to reduce the risk of harm and are sufficient.

6.34 That no statutory objections have been raised in relation to ecology and the scheme is compliant with WCS policies CP50 and CP51, with L&RDPD Policy CR3 and policies 12, 13 and 17 of the JMNP2.

Sustainability

6.35 That the appeal proposal is capable, at reserved matters stage of mitigating carbon and energy consumption and reducing natural resources and using them efficiently. The proposal is capable of being consistent with WCS Policy CP41.

Planning Benefits

6.36 That there would be a number of material planning benefits resulting from the proposal.

7. THE CASE FOR CATESBY ESTATES PROMOTIONS LIMITED

Introduction

7.1 The Council's Strategic Planning Committee refused to grant planning permission for the Proposed Development, going against the advice of officers who had recommended it for approval subject to the completion of a section 106 agreement[27].

7.2 Whilst the Decision Notice[28] identified two Reasons for Refusal ('RFR'), the Council did not adduce any evidence in respect of the second of these – a failure to provide or secure adequate provision for on-site or off-site infrastructure – recognising that with a section 106 agreement almost agreed between the parties, the issue would fall away[29]. This is therefore no longer considered to be a matter of dispute between the parties.

7.3 Accordingly, there is only one outstanding RFR: a conflict with Policies CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy ('WCS') and a conflict with the made Joint Melksham Neighbourhood Plan 2 ('JMNP2'). In regard to this RFR, it is important to emphasise at the outset that:

[27] CD9.1 & CD9.2
[28] CD9.3
[29] Mr Reynolds EIC

- in its evidence the Council did not allege a breach with Policy CP1 of the WCS, and the Council's witness accepted in cross-examination that the Council was no longer pursuing a breach of this policy[30]; and

- whilst the Council now alleges a breach of Policy 6 of the JMNP2[31], no reference was made to this specific policy in the Decision Notice itself[32].

7.4 There are therefore three policies that the Council alleges that the Proposed Development conflicts with: Policies CP2 and CP15 of the WCS and Policy 6 of the JMNP2, introduced by the Council after the Proposed Development had been refused[33].

7.5 In addition, whilst the Council alleges harms to landscape and the loss of Best and Most Versatile land ('BMV land'), it accepts that these would not be reasons that would warrant refusal on their own. Furthermore, the Council has adduced no evidence on either of these matters and no objections were received from statutory consultees.

7.6 In regard to the policies that the Council maintains reliance on, the Appellant accepts that there would be some conflict with the Proposed Development[34]. However, such conflict must be viewed in the following context:

- the Council rightly acknowledges that these policies are out-of-date and that the weight that can be attached to them is therefore affected[35];

- the Council acknowledges that the only reason for the conflict with these policies is the fact that the Proposed Development is outwith the settlement boundary; in all other respects it is compliant with the policy requirements[36]; and

- it is common ground that the settlement boundaries have not been revised in more than 20 years, dating back to the West Wiltshire Local Plan 2004.

7.7 As such, the only outstanding RFR, and the only reason identified as being capable of justifying refusal on its own, is a conflict with policies which are accepted to be out-of date, predicated on a settlement boundary that has not been revised in 22 years.

7.8 The Appellant accepts that the Proposed Development would conflict with Policy CP2. However, the Appellant's case is that the conflict with Policy CP15 of the WCS and Policy 6 of the JMNP2 is caused solely by the cross-reference

[30] Mr Reynolds EIC & XX
[31] CD10.1
[32] CD9.3
[33] CD10.1 paragraph 5.8
[34] CD10.3 paragraph 5.34, Mr Neame's POE pages 45-46 Planning Application: PL/2024/07097
[35] Mr Reynolds POE Planning Application: PL/2024/07097
[36] Mr Reynolds XX

in these policies back to Policy CP2[37]. This must be relevant when considering the conflict with these policies.

7.9 It is important to conclude whether a proposal is in conformity with the DP: *City of Edinburgh v Secretary of State for Scotland and Others [1997] UKHL 38; [1998] 1 All ER 174; [1997] 1 WLR 1447* (16th October, 1997).

7.10 Lord Reed in the Supreme Court in *Tesco Stores v Dundee City Council [2012] UKSC* observed that if there is conflict with the DP then it is necessary to understand the nature and extent of the departure from the plan which the grant of permission would involve, before considering other material considerations.

7.11 The position of the Appellant's planning witness is that the conflict is modest. All the policies are out of date because of the shortfall in the 5yrHLS and all relate to the settlement boundary, which is also out of date independent of the lack of a 5yrHLS. The proposal complies with nearly all parts of CP2 and Policy 6 of the JMNP2.

7.12 He therefore concludes that the proposal is in conformity with the Development Plan as a whole[38]: this approach is permitted. A proposal does not need to accord with each and every plan policy of the plan: see *R v Rochdale MBC, ex parte Milne [2000] EWHC 650 (Admin) Sullivan J* at paragraph 50. This was confirmed and cited with approval by the *Court of Appeal in R (on the application of Hampton Bishop Parish Council) v Herefordshire Council [2014] EWCA Civ 878*.

7.13 A proposal can comply with the Development Plan even if it conflicts with a key policy relevant to the proposal: see *Corbett v Cornwall Council [2020] EWCA Civ 508*: see paragraphs 41 and 42.

7.14 The planning witness sets out his evidence on why the proposal is in conformity with the DP as a whole in Chapter 6 of his proof of evidence set out in detail in his Table 6 (page 25 onwards).

7.15 If the proposal is considered to be in conformity with the DP, then one must then consider if there are other material considerations indicating that planning permission should be refused, pursuant to Section 38(6) PCPA 2004. There are very few harms here outside of the Development Plan. There is no breach of Policy 51 of the WCS (page 265) which is for unacceptable landscape harm. It is accepted that there is some landscape harm arising from development of greenfield site and the loss of some BMV, seen in the context of there being hundreds of thousands of hectares of agricultural land in the authority area: most of Wiltshire is agriculture land. But so long as that is acknowledged and addressed then in this case, the proposal could be granted permission for being in compliance with the Development Plan as a whole.

7.16 If there is said to be conflict with the Development Plan, one has to consider the benefits of the proposal. The Proposed Development would deliver

[37] Mr Neame's POE paragraph 6.2 & Table 6, pages 25 & 26 Planning Application: PL/2024/07097
[38] Mr Neame's POE paragraph 6.3, page 27 Planning Application: PL/2024/07097

significant benefits[39], including delivery of up to 300 homes against a shortfall in the 5yrHLS, delivery of up to 90 affordable homes against a shortfall as set out in the evidence of the Appellant's affordable housing witness, and the development of a site acknowledged to be situated in a sustainable location.

7.17 These benefits are all recognised by the Council; the only matter of dispute is the weight to be afforded to them. It is the Appellant's case that they should each attract very substantial weight, having regard to the Council's five-year housing land supply and chronic shortage of both market and affordable homes[40]. Officers believed that they should attract very significant weight; only the Council's planning witness deviates from this view[41].

7.18 On that basis, the Appellant's case is that on an assessment of the planning balance, permission should be granted on the so-called flat balance as set out in the statutory test under section 38(6) of the Planning and Compulsory Purchase Act 2004[42].

7.19 But of course with a shortfall in the 5yrHLS and no footnote 7 exemptions, the tilted balance under paragraph 11(d) of the Framework is engaged and the Council accept this[43].

7.20 Furthermore, the Appellant's case is that paragraph 14 of the Framework does not change this conclusion, because there are contextual circumstances that mean a conflict with the JMNP2 are not decisive[44]. The Appellant relies on the recent Appeal decisions at Wandleys Lane, Fontwell and Horsham Golf Club[45] in support of this approach.

The location for the Proposed Development

Spatial Context

7.21 The spatial context in Wiltshire County ('the County') is set out in the Proof of Evidence of the Appellant's planning witness[46]. He gave evidence that development across the County is heavily constrained by the fact that 44 per cent of the Council's administrative area is designated as an Area of Outstanding Natural Beauty, in addition to a small area of the New Forest National Park in the south and a small area of green belt[47]. It is a matter of fact that there is a significant part of the County – nearly half – which cannot easily accommodate new development due to environmental designations on the land.

7.22 In this context, Melksham is relatively unconstrained and has a wide range of amenities and infrastructure, including businesses, shops, a train station, several bus routes and a number of primary schools, secondary schools and

[39] Mr Neame's POE paragraph 13.1 onwards, page 47 Planning Application: PL/2024/07097
[40] EIC of Mr Harris & Ms Gingell
[41] CD10.3 Table 8
[42] Mr Neame's POE paragraph 13.8 onwards, page 49 Planning Application: PL/2024/07097
[43] Mr Neame's POE paragraph 13.15 onwards, page 50 Planning Application: PL/2024/07097
[44] Mr Neame's POE paragraph 13.18 onwards, page 51 Planning Application: PL/2024/07097
[45] Appendix 3 of Mr Neame's POE Planning Application: PL/2024/07097
[46] Mr Neame's POE Section 3, page 13 Planning Application: PL/2024/07097
[47] Mr Neame EIC

GP surgeries[48]. The Appellant's planning witness Proof of Evidence sets out the important role it plays in employment terms, forming part of the A350 employment growth area. In his evidence, he characterised Melksham as having 'an unusually good level of employment', which he rightly noted was an important consideration when looking at where to locate new housing[49].

7.23 The Council also recognises the importance of Melksham in accommodating growth across the County. In the WCS, Melksham is classified as a market town which is a second-tier settlement, defined as having 'the potential for significant development' under Policy CP1[50]. In the regulation 19 version of the emerging Local Plan, Melksham retains its status as a market town in draft Policy 1[51], which in turn are defined as having 'the potential for significant development'. There is therefore no change in the status of Melksham between the WCS and the emerging Local Plan; both recognise its potential to accommodate 'significant' new development.

7.24 Importantly, the emerging Local Plan goes further than this, stating: 'The Plan identifies Chippenham, Melksham and Trowbridge, as settlements which should be strategically planned in the longer-term. These are referred to as 'broad locations for growth', where additional significant urban extensions should be identified…'. This is included as draft Policy 3[52]. Of the three areas identified, Chippenham and Trowbridge are both identified under draft Policy 1 as 'principal settlements'. Melksham is therefore the only market town identified by the Council as a broad location for growth. This was accepted by the Council's planning witness in evidence[53].

Site specific context

7.25 The site of the Proposed Development itself has also performed well in assessments the Council has undertaken as part of its evidence base in support of the emerging Local Plan. The Appellant's planning witness sets out the history of the site and its promotion through the emerging Local Plan in his Proof of Evidence[54].

7.26 The Council assessed the site as part of the regulation 18 consultation[55]. In that document, the site scored green on landscape, heritage and flood risk, and amber on accessibility and traffic. The commentary noted that there were 'no overriding significant impacts that would justify rejecting the site' and recommended that it be taken forward for further assessment.

7.27 The site also formed part of a wider site that the Council assessed as part of its evidence base for the regulation 19 version of the emerging Local Plan[56]. Whilst it is acknowledged that this assessment was of a larger piece of land that included the site, it is plainly relevant that site 1 was assessed as the joint

[48] Mr Neame's POE paragraph 3.10 onwards Planning Application: PL/2024/07097
[49] Mr Neame EIC
[50] CD3.1 page 40
[51] CD4.1 page 25
[52] CD4.1 page 36
[53] Mr Reynolds XX
[54] Mr Neame's POE paragraph 2.4 onwards, page 10 Planning Application: PL/2024/07097
[55] CD4.2 Council's Regulation 18 – Site Selection Report January 2021
[56] CD4.6 Site forms part of Site 1 in Chippenham HMA, Annex 2.9

best-performing site[57] as 'the most sustainable sites when assessed against objectives in the SA Framework[58]'.

7.28 It is therefore the case not only that Melksham is an area that is recognised by the Council as somewhere that is suitable to accommodate significant new development, but that the site itself is also a suitable and sustainable location for development. That the Council recognises this is evident from the Committee Report[59] that officers prepared for the Strategic Planning Committee, which noted that the Proposed Development was 'a sustainable location for future housing growth[60]'. This is also recorded in the Statement of Common Ground[61].

7.29 In this context, the Proposed Development accords with Policy CP1 of the WCS: the settlement strategy. As noted above, the Council no longer pursues a conflict with this.

Development Plan

7.30 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is common ground that the core Development Plan documents for this Appeal are the WCS and the JMNP2. As set out above, the core policies within those Development Plan documents are Policies CP2 and CP15 of the WCS and Policy 6 of the JMNP2[62].

7.31 Before looking at the policies individually, it is helpful to consider the matters that are of common ground between the parties on the policies as a whole:

- it is common ground that the WCS was adopted on 20 January 2015 and the strategic policies are now more than five years old[63]; and

- it is common ground that Policies CP1, CP2 and CP15 and JMNP2 Policy 6 are out-of-date for the determination of this Appeal[64].

7.32 The Framework is clear that Development Plans should be up-to-date[65]. This was made clear in the 2018 Framework and has remained the case since. As an overriding point, therefore, it should be borne in mind that out-of-date policies should not be relied upon and should be given little weight[66]. This is so particularly given the scale of housing shortfall in the County, which is set out further below. Any other conclusion would be perverse.

[57] CD4.6 Table 5.18
[58] CD4.6 5.10.5
[59] CD9.1
[60] CD9.1 page 39
[61] CD10.3 paragraph 5.8
[62] CD10.3
[63] CD10.3 paragraph 5.1
[64] CD10.3 paragraph 5.2 page 9
[65] Paragraphs 11, 12 and 15
[66] Mr Reynolds POE paragraph 7.4 Planning Application: PL/2024/07097

Housing requirement for Melksham

7.33 In addition to the WCS itself being out-of-date, it is also important to highlight that the housing requirement for Melksham is equally out-of-date. Furthermore, the requirement for Melksham in the emerging Local Plan[67] is likely to significantly increase. It is now common ground that[68]:

- the emerging Local Plan requires 2,160 dwellings for 2020-2038 at Melksham[69];
- the emerging Local Plan requires the Neighbourhood Plan to deliver an additional 270 dwellings at Melksham[70];
- the Neighbourhood Plan figure of 270 dwellings is a result of completions and commitments in the last five years along with allocations proposed in the emerging Local Plan, but that figure is based on 2,160 dwellings, which is an emerging Local Plan figure;
- the emerging Local Plan figure for Wiltshire is 2,041 dpa (36,740 dwellings 2020-2038)[71], which is -26,000 dwellings below the current standard method for local housing need. As such, the emerging Local Plan is only delivering 58.5 per cent of the standard method figure over the plan period;
- the figure of 2,160 is entirely predicated on the assumption that the correct figure for Wiltshire in the emerging Local Plan is 36,740 dwellings; if the local housing need figure for Wiltshire is applied then on a pro-rata basis the appropriate figure for Melksham would be around 3,700 dwellings; and
- the local housing need is being examined under the transition arrangements and does not meet this full need.

7.34 In that context, therefore, the Appellant's case is that there is a potential shortfall of around -1,800 dwellings at Melksham. This is plainly relevant to this Appeal.

Policy CP2 of the WCS

7.35 Policy CP2[72] identifies the minimum housing requirement for each Housing Market Area in the County. It confirms that development that is outside of the defined limits of development will not be permitted other than where it is permitted by other policies in the WCS. It is common ground that the Proposed

[67] CD4.1
[68] ID9
[69] CD4.1 Table 4.2, page 51
[70] CD4.1 Policy 17, page 81 & paragraph 4.107, page 89
[71] CD4.1 Policy 2, page 30
[72] CD3.1 page 53

Development is outside of the settlement boundary of Melksham[73]. As such, the Appellant accepts that there would be a conflict with Policy CP2[74].

7.36 Such conflict, however, must be viewed in context:

- the Proposed Development complies with all other aspects of Policy CP2: the Council's witness accepted that there was no other conflict in his evidence[75], which is why the Appellant's planning witness categorises it as a 'limited level of conflict'[76]; and

- the settlement boundaries are chronically out-of-date, having not been revised since they were first defined in the West Wiltshire Local Plan 2004.

7.37 The only element of conflict with Policy CP2 is therefore predicated on a settlement boundary that has not been revised in more than 20 years, despite the Council having had the opportunity to do so in the WCS and the Wiltshire Housing Site Allocations Plan 2020[77]. The Appellant's planning witness was asked by the Inspector whether there was already development outside of the settlement boundary in 2020 when the boundary was reviewed as part of the Wiltshire Housing Site Allocations Plan 2020. Whilst he very fairly stated that he could not be certain of this, he did note that an outline planning consent had been granted outside of the settlement boundary in 2014[78]. It is a matter of fact that planning permission has been granted on greenfield sites outside of the settlement boundary, both by the Council at Blackmore Farm[79] and by Inspectors at Bowerhill and Berryfield, illustrating just how out-of-date the settlement boundary is.

7.38 In this context, therefore, it must be the case that only limited weight can be placed on the settlement boundary, and that this must necessarily affect the weight to be placed on the conflict with Policy CP2.

Policy CP15 of the WCS

7.39 Policy CP15[80] of the WCS sets out the spatial strategy for the Melksham Community Area and confirms that the majority of the proposed new housing for the area should be delivered at Melksham. The policy does not identify any specific locations for development at Melksham, but states that growth in the Melksham Community Area over the plan period 'may consist of a range of sites in accordance with Core Policies 1 and 2[81]'. It is for this reason that the

[73] CD10.3 paragraph 5.5, page 9
[74] Mr Neame's POE Table 6, page 25 Planning Application: PL/2024/07097
[75] Mr Reynolds XX
[76] Mr Neame's POE paragraph 6.3 Planning Application: PL/2024/07097
[77] ID8
[78] Mr Neame XX
[79] CD9.4
[80] CD3.1 page 132
[81] CD3.1 page 131

Appellant's planning witness concludes that the Proposed Development 'is in accordance with Policy CP15' but that 'the only limited area for conflict with this policy is the cross referral to Policy CP2[82]'.

7.40 The points set out above in respect of Policy CP2 therefore apply equally to Policy CP15: the conflict is predicated on an out-of-date settlement boundary. In the case of Policy CP15, the conflict is even more limited, as it is confined to a cross reference to Policy CP2. For those reasons, the weight to be placed on this conflict must be limited.

The JMNP2

7.41 Before looking specifically at Policy 6 of the JMNP2[83], it is helpful to consider the wider context in which the JMNP2 was made. There are several points that are relevant.

- first, whilst the Examination of the JMNP2 was undertaken against conformity with the WCS, it seeks to align itself with the housing numbers in the emerging Local Plan. This is plainly problematic: as set out above, these numbers are only likely to increase, whilst the Examination of the emerging Local Plan has stalled after Inspectors raised concerns requiring significant further work to be undertaken by the Council;

- second, whilst the Appellant accepts that paragraph 14 of the Framework is engaged for the purposes of this Appeal[84], the evidence at the Inquiry demonstrated that the JMNP2 does not make any significant allocations of land: two of its allocations are for brownfield sites where there would be a presumption supporting development in any event, and one is for a site which already benefits from outline planning permission. Not only is it nonsensical to allocate a site that already has outline planning permission, in circumstances where the reserved matters application would need to be considered against the policies in the JMNP2 in any event, the allocation of this site is also plainly inconsistent when a different approach was taken with Blackmore Farm;

- third, the site that already benefits from planning permission has effectively been 'double counted' in the housing numbers, so the claims made by members of the JMNP2 Steering Committee that the JMNP2 allocates twice the level of housing that it was required to are plainly not right[85]; and

- fourth, there was no consideration of the out-of-date nature of the settlement boundary as part of the JMNP2, which is problematic considering the settlement boundary is such a critical component to Policy 6.

[82] Mr Neame's POE Table 6 page 25 Planning Application: PL/2024/07097
[83] CD3.5 page 43
[84] CD10.3 paragraph 5.5 page 14
[85] ID9

7.42 Furthermore, the process that the making of the JMNP2 followed is also relevant to the consideration of the conflict with the policies which are contained within it. The JMNP2 Steering Committee selected its own Examiner – which it is perfectly entitled to do – and chose one who had undertaken the Examination of a nearby neighbourhood plan that they thought he had done well, and there was no oral hearing of any kind for the Examination process, as is often the case: it was purely a paper-based exercise. The opportunity for detailed scrutiny of the JMNP2 was therefore extremely limited.

7.43 This is the context within which Policy 6 of the JMNP2 must be viewed.

Policy 6 of the JMNP2

7.44 Policy interpretation is ultimately a matter of law for the Courts. Legal submissions are required on matters of law. The interpretation of Policy 6 is problematic. It is difficult to see how the proposal does conflict with JMNP2 Policy 6 part 2, when on its wording it does not seek to prevent or prohibit development outside of settlement boundaries. Managing something is not the same as prohibiting it. And in all other respects the proposal complies with Policy 6. Certainly, the officers and members did not identify any breach of Policy 6 of the JMNP2, hence it does not feature in the reason for refusal[86].

7.45 Policy 6 of the JMNP2 deals with housing at defined settlements. As the Appellant's planning witness stated in evidence[87], it is a permissive policy where there is an expectation to manage development. This is clear from the wording of criterion two of the policy, which states: 'Housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need'[88].

7.46 The policy clearly anticipates that some development will come forward outside of the settlement boundaries: if it did not, it would not include a criterion setting out how proposals outside the settlement boundaries should be 'managed'. The policy is plainly designed to manage development outside of the settlement boundary, not to prohibit it.

7.47 As has already been set out, the adopted Development Plan is out-of-date, and there is only limited conflict with policies in any event. For the reasons set out below, particularly in respect of the evidence of the Appellant's housing land supply and affordable housing witnesses, the Proposed Development would very clearly meet an 'evidenced local housing need'.

7.48 On that basis, there is therefore a very strong argument to say that the Proposed Development would not conflict with Policy 6 of the JMNP2 at all. Whilst this was not the position adopted by the Appellant's planning witness in evidence, it is well established that the interpretation of development plan

[86] CD9.3
[87] Mr Neame's POE Table 6 & paragraphs 9.15 & 13.25 Planning Application: PL/2024/07097
[88] CD3.5 page 43

policies is a matter for the courts, so it is submitted that it is open to the Inspector to reach such a finding. If the Inspector was to reach this conclusion, the consequence of that would be that paragraph 14 of the Framework would not be engaged, as there would be no adverse impact of allowing development that conflicts with the neighbourhood plan. This is an option that is open to the Inspector.

7.49 In the event that the Inspector does find that there is some conflict with Policy 6 of the JMNP2, the same points as are set out above in relation to Policy CP15 apply: the Council's witness accepted that the Proposed Development would not breach any of the other criterion set out in Policy 6[89], so the only conflict is the cross-reference to Policy CP2 and the settlement boundaries, which are chronically out-of-date and were not revised as part of the JMNP2.

7.50 On that basis, as with Policy CP15 of the WCS, if the Inspector does conclude that there is a conflict with Policy 6 of the JMNP2, the weight to be afforded to such conflict must be limited. As with the WCS policies, the Council's witness accepts that Policy 6 is out-of-date and that this affects the weight to be attached to it[90].

Conclusion and compliance with the Development Plan as a whole

7.51 In concluding, it is important to emphasise that the Proposed Development conforms with all other Development Plan policies, including housing policies, highway policies and infrastructure requirements, and that whilst the Council states that there would be some harm to landscape and the loss of BMV, there is no alleged breach of policy[91].

7.52 Drawing all of that together, the Appellant's planning witness concluded that the weight to be given to conflict with the Development Plan was limited, on the basis that the Development Plan and its most important policies are out-of-date and the only conflict identified by the Council is the fact that the site is outwith a settlement boundary that is 22 years old[92].

7.53 For those reasons, the Appellant's case is that the Proposed Development accords with the majority of relevant policies in the Development Plan, and that it is therefore in compliance with the Development Plan when taken as a whole[93].

[89] Mr Reynolds XX
[90] Mr Reynolds POE paragraph 7.4 Planning Application: PL/2024/07097
[91] Mr Reynolds POE paragraph 6.36 onwards, page 19 Planning Application: PL/2024/07097 & CD10.3
[92] Mr Neame EIC
[93] Mr Neame's POE paragraph 6.3, page 27 Planning Application: PL/2024/07097

Housing land supply

7.54 Paragraph 78 of the Framework requires the Council to demonstrate a minimum of five years' worth of housing against its local housing need and an additional five per cent buffer. It is common ground that the Council is unable to do this[94]; there is, however, a dispute as to the extent of the shortfall. The Council believes it has a housing-land supply of 2.42 years[95]; the Appellant says it is 2.16 years[96].

7.55 Prior to setting out the Appellant's case, it is necessary to make two overarching points:

- first, whilst the Council has disputed the Appellant's figure, it has not produced any evidence of its own. The only evidence on housing land supply that is before the Inquiry is therefore the evidence of the Appellant's housing land supply witness[97]; and

- second, despite the Council's strong protestations that there was no need to hear evidence on housing land supply as it would not affect the weight to be afforded to it, the extent of the shortfall is plainly relevant, particularly when considering the contextual circumstances in regard to the application of paragraph 14 of the Framework. In this regard, the quantum of the shortfall is a relative consideration.

7.56 With those points in mind, the Inspector is invited to adopt the Appellant's housing land supply witness' figures, which showed a housing land supply of only 2.16 years, equating to a shortfall of some 10,404 dwellings[98]. Whilst the Council's own figures suggest a shortfall of 9,367 dwellings[99], there is a difference between the two of over 1,000 homes, which must be relevant.

7.57 The housing land supply witness gave evidence on the methodology he had adopted, explaining why he had discounted 12 sites from the list of deliverable sites that the Council relies on and why he had reduced the Council's figure for windfall allowance[100]. He confirmed that his approach to windfall sites was in line with the approach taken by an Inspector in a recent Appeal decision in Westbury[101], whilst his approach to deliverable sites drew from Lichfields' Start to Finish document and site-specific delivery data[102].

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[94] CD10.3 paragraph 5.3, page 9
[95] Mr Reynolds POE paragraph 7.3, page 36
[96] Mr Harris POE paragraphs 1.9 & Table 1.1 page 2 and 7.3 & Table 7.1 page 37 Planning Application: PL/2024/07097
[97] Mr Harris POE Planning Application: PL/2024/07097
[98] Mr Harris POE paragraphs 7.1 – 7.5 Planning Application: PL/2024/07097
[99] Mr Harris POE Tables 1.1 page 2 and 7.1 page 37 Planning Application: PL/2024/07097
[100] Mr Harris POE Section 6 Planning Application: PL/2024/07097
[101] Mr Harris POE Appendix EP2 Planning Application: PL/2024/07097
[102] CD5.5

7.58 Importantly, he confirmed that the Council had not provided the evidence he would expect to see to support its numbers – he described the evidence as 'significantly lacking' – despite them being aware of the sites he was seeking to dispute[103].

7.59 The Appellant's housing land supply witness has vast experience in this area, having done appeals in Wiltshire since 2009/10 and approximately 20 inquiries across the country last year, in addition to advising developers on housing land supply[104]. He described the shortfall as 'very substantial'[105] and said the Council was one of the worst when measured by quantum[106].

7.60 Furthermore, his evidence made clear that the Council will not address this shortfall through the emerging Local Plan as the housing target has been reduced from the regulation 18 version: he said that there was a 'latent need in the background' that the emerging Local Plan would not be meeting in the short or medium term[107].

7.61 In the absence of any evidence from the Council to challenge Mr Harris's evidence, the Appellant invites the Inspector to conclude that the deliverable supply is 2.16 years, which equates to a shortfall of 10,404 dwellings. It is the Appellant's case that the level of the shortfall means that the provision of up to 300 homes should attract very substantial weight in the planning balance[108], whilst the overall quantum and extent of the shortfall is also relevant in the application of paragraph 14 of the Framework. The Council's planning witness puts the weight at several steps below this[109].

Affordable housing need

7.62 In addition to the significant shortfall in housing across the County, there is a particularly acute shortage of affordable housing. This was set out graphically by the Appellant's affordable housing witness, whose evidence was entirely unchallenged by the Council[110]. In addition, as with housing land supply, the Council has not put any evidence before the Inquiry.

7.63 The affordable housing witness' evidence set out the scale of shortfall of affordable homes in the County:

- there are nearly 4,000 households on the Housing Register[111];

[103] Mr Harris EIC
[104] Mr Harris POE Section 1 Planning Application: PL/2024/07097
[105] Mr Harris POE paragraph 4.8, page 12 Planning Application: PL/2024/07097
[106] Mr Harris EIC
[107] Mr Harris EIC
[108] Mr Neame's POE Table 11, page 47 Planning Application: PL/2024/07097
[109] Mr Reynolds POE paragraph 7.5 page 37 Planning Application: PL/2024/07097
[110] Ms Gingell's POE Section 5, page 29 Planning Application: PL/2024/07097
[111] Ms Gingell's POE paragraph 5.25, page 33 Planning Application: PL/2024/07097

- there has been net housing delivery of around 577 dwellings per annum since 2009/10, against a target in the WCS of 650 dwellings per annum[112];

- there is a shortfall of over 1,000 affordable homes against the WCS target of 650 dwellings per annum, rising to a shortfall of 12,523 dwellings when measured against the needs identified in the 2011 SHMA[113]; and

- there are significantly more people bidding for affordable homes than are available: in Melksham Parish, there were an average of 90 bids for just 25 one bed properties, 50 bids for 20 two-bed homes and 155 bids for just five three-bed homes; in Melksham Without Parish, there were 125 bids for just four one-bed homes and 68 bids for four two-bed homes[114].

7.64 The need for affordable homes in Melksham was described as 'clear and pressing'[115].

7.65 In addition to the numbers, the affordable housing witness also gave evidence on the real-world consequences of the Council's failure to deliver adequate affordable housing. To give just one example, she said that as of 31 March 2025, there were 96 households housed in temporary accommodation by the Council, 59 per cent of which had at least one dependent child. In total there were 133 children in temporary accommodation on that date[116]. She said that this had real implications for these families: housing of this nature is typically not secure, such as B&Bs and hotels, which can affect the educational attainment of children who often have to move frequently.

7.66 Her Proof of Evidence demonstrates that the problem is compounded by the lack of anticipated supply: the existing shortfall of 4,302 affordable homes at the end of the 2023/24 monitoring period will increase by 147 per cent to 10,637 affordable homes by the end of 2028/29[117].

7.67 The Proposed Development would provide up to 90 new affordable homes – 30 per cent of the total number of dwellings. The affordable housing witness stated in evidence that in her opinion the weight to be given to this should be very substantial[118]. She further confirmed that no evidence had been adduced by the Council to support the lower weight it had given it. In those circumstances, it is the Appellant's case that the provision of up to 90

[112] Ms Gingell's POE Table 6.1, paragraph 4.11, page 20, paragraph 6.10, page 42, paragraph 6.22, page 45 and paragraph 10.9, page 69 Planning Application: PL/2024/07097
[113] Ms Gingell's POE paragraph 6.11, page 42 Planning Application: PL/2024/07097
[114] Ms Gingell's POE paragraph 9.29, page 65 Planning Application: PL/2024/07097
[115] Ms Gingell's EIC & POE paragraph 8.19, page 61 Planning Application: PL/2024/07097
[116] Ms Gingell's POE paragraph 5.39, page 36 and paragraph 9.32, page 65 Planning Application: PL/2024/07097
[117] Ms Gingell's POE Table 8.1 and paragraph 8.8, page 59 Planning Application: PL/2024/07097
[118] Ms Gingell's POE paragraph 8.19, page 61 Planning Application: PL/2024/07097

affordable homes should attract very substantial weight in the planning balance.

Other material considerations

Landscape

7.68 At the outset, it is important to recognise that whilst landscape harm is identified in the Council's Statement of Case[119], it was not a RFR. Indeed, from the transcript of the Strategic Planning Committee meeting[120] that refused to grant planning permission, it is clear that landscape harm was not a concern that was raised by any councillor.

7.69 The Inquiry has the benefit of expert evidence from the Appellant's landscape consultant[121]. He also undertook the initial Landscape and Visual Impact Assessment ('LVIA') for the Proposed Development[122]. Conversely, the Council has produced no evidence against the Proposed Development on landscape or visual impact grounds, nor does it contest the content of the LVIA itself[123]. In addition, no objections were received from statutory consultees.

7.70 The landscape consultant sets out the context within which the Proposed Development would be situated: it would fall broadly within the limits set by Snarlton Farm complex to the north, with Melksham football grounds to the south, which includes a club house, parking and flood lighting, and the existing settlement edge to the west.

7.71 Importantly, he makes clear that the recently consented Blackmore Farm development would 'further extend the urban area of Melksham out into the countryside, and will establish an area of residential land use directly to the north of the Site. He concludes:

Overall, while there will continue to be some relatively localised adverse effects on landscape character and views as a result of the Proposed Development, the consented Blackmore Farm scheme will have an urbanising influence on the baseline environment and will provide a stronger settlement context for the Proposed Development. There will also be a reduction in effects on the Wooded Greensands Hills LCA / Sandridge as a result of the Blackmore Farm scheme.[124]

7.72 The granting of planning permission for the Blackmore Farm site is plainly relevant to the consideration of the effect that the Proposed Development would have on the landscape. As the Appellant's planning witness states in his Proof of Evidence, the Proposed Development is now more appropriate in

[119] CD10.1 paragraph 5.25, page 26
[120] CD9.7
[121] Mr Neame's POE Appendix 5 Planning Application: PL/2024/07097
[122] CD7.16
[123] CD10.3 paragraph 5.33, page 12
[124] Mr Neame's POE Appendix 5, page 76

landscape character and visual impact terms than it was at the time of the LVIA[125]. That is important, particularly when it is borne in mind that even before this, landscape harm was not a matter identified as a RFR by the Council, nor one that had attracted any objections from statutory consultees.

7.73 Accordingly, the Appellant's case is that whilst there would be some limited harm to the landscape, such harm would be consistent with that which would occur with the development of any greenfield site. It is certainly not something that would go anywhere near to amounting to a harm that would warrant refusal[126].

BMV land

7.74 The Council's Statement of Case identifies the loss of BMV land as an issue of concern[127], and the Appellant's planning witness was cross-examined on it during the Inquiry. Notwithstanding that, many of the points set out above in relation to landscape harm apply equally to the loss of BMV land: it did not form a RFR, there is no record of it having been a concern at the Strategic Planning Committee meeting[128], and the Council has not produced any expert evidence. In those circumstances, the only evidence that the Inquiry has available to it is the expert evidence of the Appellant's agricultural consultant[129].

7.75 His evidence demonstrates that:

- the majority of the site is classified as Grades 3a and 3b, with a smaller area of Grade 2[130];
- since the land was classified, the area of Grade 2 has been reduced due to the presence of a balancing pond which renders that location non-agricultural[131];
- the residual area of Grade 2 is approximately 1.2 hectares[132]; and
- the Proposed Development would utilise the lowest quality suitable land for development within the site boundary[133].

7.76 The Appellant's agricultural consultant concludes that the total area of built development on BMV land would be approximately 4.4 hectares, which represents the area of BMV land that would not be reversible. He concludes that this 'is not a significant loss' and that it is 'substantially below' the

[125] Mr Neame's POE paragraph 12.17, page 45 Planning Application: PL/2024/07097
[126] Mr Neame's POE paragraphs 12.16 - 12.18, page 45 Planning Application: PL/2024/07097
[127] CD10.1 paragraphs 5.26 – 5.28, page 26 onwards
[128] CD9.7
[129] Mr Neame's POE Appendix 4 Planning Application: PL/2024/07097
[130] Mr Neame's POE Appendix 4 paragraph 3.5, page 5 Planning Application: PL/2024/07097
[131] Mr Neame's POE Appendix 4 paragraph 3.6, page 5 Planning Application: PL/2024/07097
[132] Mr Neame's POE Appendix 4 paragraph 3.6, page 5 Planning Application: PL/2024/07097
[133] Mr Neame's POE Appendix 4 paragraph 3.8, page 5 Planning Application: PL/2024/07097

threshold of 20 hectares that would require Natural England to be consulted. He notes that as this is the threshold for the national statutory authority in local decision making, 'it is commonly taken as a measure of significance of the loss of BMV agricultural land'. Furthermore, he states that the economic benefit of the 4.4 hectares of BMV land is 'very limited'[134].

7.77 In those circumstances and in the absence of any evidence from the Council, the Appellant's case is that whilst the loss of BMV land would result in some limited harm, it does not warrant the refusal of planning permission[135].

Statutory consultees

7.78 As has been set out above, there were no objections to the Proposed Development from statutory consultees. The report to the Strategic Planning Committee confirmed the position in relation to the consultee comments[136] and in recommending approval officers confirmed that there were no outstanding objections that would warrant refusal[137].

Public comments

7.79 The Inquiry heard from a number of public speakers, although the vast majority of these were affiliated with the Parish and Town Council that developed the JMNP2. Their concerns predominantly focused on the conflict with Policy 6 of the JMNP2, which has been addressed above.

7.80 It is also important to highlight that only 19 letters of representation in total were received in response to the Proposed Development and only 17 letters of objection[138]. Given that the population of Melksham at the 2021 census was 8,113, the level of public objection to the Proposed Development is very limited.

Planning balance

7.81 As set out in the Proof of Evidence of the Appellant's planning witness, he has considered the overall planning balance following a staged approach, which demonstrates that permission should be granted via the flat balance and the titled balance, and that paragraph 14 of the NPPF would not change this conclusion[139].

Flat balance

7.82 His analysis demonstrates that planning permission should be granted based on the flat balance, the statutory test under section 38(6) of the Planning and Compulsory Purchase Act 2004. This is because:

- the Proposed Development accords with the Development Plan taken as a whole and material considerations support the grant of planning permission;

[134] Mr Neame's POE Appendix 4 paragraphs 3.9 & 3.10, page 6 Planning Application: PL/2024/07097
[135] Mr Neame's POE paragraph 12.24, page 46 Planning Application: PL/2024/07097
[136] CD9.1 pages 13-21
[137] CD9.1
[138] Planning Application: PL/2024/07097
[139] Mr Neame's POE paragraph 13.8 onwards, page 49 Planning Application: PL/2024/07097

- there are no statutory consultee objections or technical reasons that would warrant refusal; and
- the Proposed Development would deliver a wide range of material planning benefits, which carry significant weight, even if the conflict is outweighed by material considerations.

Tilted balance

7.83 Framework paragraph 11 allows for the so-called tilted balance. The adverse impacts are largely defined by the alleged breaches of DP policy. The alleged conflict with Policy 6 of the JMNP2 and CP2 and CP15 of the WCS are matters to which limited weight should be given. This is the approach that the Appellant's planning witness adopts. And he does so for good reason. The weight that can be attributed to these conflicts is significantly reduced in this case for the following reasons – taking the approach adopted by Inspector Young[140]:

- First, the Council is unable to demonstrate a 5-year supply of housing or anything close to it. The shortfall against what should actually be provided is today over 10,000 homes. As a consequence, the most important policies for determining the application are automatically out-of-date, which plainly includes all the policies the Council seeks to rely upon to try and stop the development. The weight to be given to these policies is reduced because they are out of date. When there is no 5yrHLS a more flexible approach to policy needs to be applied: *Lord Gill in Suffolk Coastal v Hopkins Homes: Richborough Estates v Cheshire East [2017] UKSC 37*: paragraph 77, 79 and 83. That includes the housing requirement in the WCS. It also includes the JMNP2. That might seem surprising to local people given it has only just been made. But that is the consequence of Wiltshire Council not having a 5yrHLS: see Lord Carnwath in Richborough paragraph 66.
- Secondly, the enormous scale of the shortfall means the weight to be given to the conflict with these policies should be vastly reduced.
- Thirdly, the settlement boundary for Melksham, upon which the Council rely is self-evidently out of date, having not been changed for over 20 years, meaning the weight to be given to the conflict with these policies should be vastly reduced for this reason as well, regardless of the lack of 5yrHLS.
- Fourthly, the Council have already accepted that greenfield sites are required outside the Melksham settlement boundary evidenced by

  a. the grant of permission by the Council for the Blackmore Farm site in 2025

  b. the decision of the Council not to contest Terra Strategic appeal at Berryfields in 2024; and

  c. the decision of the Council not to contest Hallam Land's appeal on the Bowerhill site for 210 homes and 70 units of care accommodation in 2023.

  Consequently, a degree of landscape harm and loss of BMV has been tolerated, including on the Blackmore Farm site where the Council itself concluded in the

[140] CD8.1

work for the regulation 18 ELP that the landscape impact would be adverse, whereas no such harm was found to arise from development on the appeal site for housing.

- Fifthly, the degree of harm to a non-designated landscape in this case has been judged by the Appellant's landscape consultant, who is the only person to give evidence on this matter, the only expert landscape architect to give evidence and the only person to have produced a Landscape and Visual Impact Assessment is that the harm is limited; please see page 73-75 of the Appellant's planning witness' appendices. The landscape consultant note also assesses the effect in light of Blackmore Farm: see page 76. The Council have no evidence to support its witness' assertion that it is moderate.

- Sixthly, there is no realistic prospect of the current shortfall being addressed in the short term. The housing requirement in the WCS became out-of-date in 2020. Over the last 6 years the Council has failed to adopt a replacement plan. This is why the Standard Method figure applies. The only prospect the Council has of addressing the shortfall is if it is able to adopt a new local plan with a lower housing requirement than the Standard Method. That does not look remotely likely this year and indeed the actual timescale is completely uncertain. The Local Plan inspectors have raised a whole series of concerns about the Regulation 19 version of the Plan[141], from the start date and the stepped trajectory to the lack of allocations in the Growth Area and the vagueness of the new settlement proposals. It is a plain that the ELP seeks to put off making the necessary allocations even if to address the lower transition housing. At the very least substantial further work will need to be done if the ELP is to progress at all. That includes allocating a lot more land for development, which is precisely what the Council has sought to avoid. This is even before the inspectors examine the issue of whether the ELP significantly boosts the supply of housing (which it does not – it proposes the same level as the WCS) and the fact the ELP fails to address the huge level of unmet need for affordable housing (see affordable housing witness' evidence). The ELP inspectors have made very clear in their letter their initial concerns are without prejudice to other issues they have yet to hear evidence on. It is therefore simply not possible to say when the ELP will be adopted or indeed whether it ever will be adopted.

7.84 For all of the above reasons, the Inspector is invited to give only limited weight to the identified policy conflicts. In so doing, it is important to carefully acknowledge the implications of the alleged conflict with the JMNP2. Given it has only just been adopted and contains policies and allocations to address an identified need given to the Steering Group by Wiltshire Council, protection is afforded by Framework paragraph 14 which states that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided it is less than 5 years old and contains policies and allocations to meet its identified housing requirement. As the Council accepted, the inclusion of the word "likely" does not represent an embargo or prohibition of development in these circumstances[142]. Nor that it will be only on rare occasions when the development will be acceptable. The Council accepts that

[141] CD4.8
[142] Mr Reynolds XX

all that is required that is in the majority of cases permission will be refused. In short, permission will normally be refused – which as the Council highlighted, is in fact the wording used in the original Framework 2012.

7.85 This is not a normal case:

a. The shortfall in the 5yrHLS is over 10,000 homes

b. The adopted Core Strategy is over 10 years old

c. The settlement boundaries of Melksham are over 20 years old.

7.86 No authority should be in this position and it precisely for circumstances like this that paragraph has been written to still allow permission to be granted for sites when paragraph 14 applies.

7.87 As the Fontwell inspector correctly observed[143], and as the Council accepted, paragraph 14 has to be approached taking account of the context in which the decision is being taken. He expressly highlighted the need to consider the contextual circumstances. Those extend to everything relevant to the decision about whether to grant or withhold planning permission. The Council agreed that factors relevant to the context here are[144]:

a. The scale of the shortfall in the 5yrHLS

b. The most important policies being out-of-date

c. What the housing requirement in the NDP is based on

d. The need for affordable housing

e. The scale of unmet affordable housing need

f. The absence of any other grounds for refusal (aside from policy)

7.88 All of those factors point heavily to the grant of planning permission. Paragraph 14 of the Framework is not written so as to predetermine the weight of the benefits which need to overcome the presumption in favour of refusal.

7.89 Added to which, the context here is:

- NDP which is not based on a housing figure from an adopted Local Plan. The figure actually comes from the ELP which has already run into difficulties. So whilst the guidance in the PPG[145] permits the Steering Group to ask Wiltshire Council for a figure from an emerging local plan, the weight to be given to that figure cannot be same if it comes from a local plan which will not progress in its present form, compared to a figure from an up-to-date adopted Local Plan.
- Indeed the JMNP2 was only found to be in conformity with the WCS, and the housing requirement in that is very obviously out of date. That has to be relevant to a decision about whether Melksham should now not have any more

[143] Mr Neame's POE Appendix 3 Planning Application: PL/2024/07097
[144] Mr Reynolds XX
[145] CD1.2

new housing on greenfield sites for the next 5 years, which is what the council and Steering Group are saying.

- Indeed despite being a major settlement, a market town and a focus for growth in the ELP both in terms of new housing and new employment, the JMNP2 was only required to allocate 200 homes.
- So all it has done is to allocate two sites at Melksham both of which are brownfield, when it is plainly necessary that greenfield sites are required at Melksham. Add to that, the fact the JMNP2 examiner did not consider the very out of date nature of the Melksham settlement boundary.
- The examiner did what was required of him. He assessed the proposal against the Basic Conditions[146], which required neither the JMNP2 to be consistent with the Framework, nor in conformity with an up-to-date Local Plan or its strategic policies. This is plainly relevant context.
- The JMNP2 allocates a site which already has planning permission and which was relied upon by Wiltshire Council as a commitment to set a target for Melksham of 200 dwellings.
- The target in fact ignores the fact that the 500 homes Blackmore Farm had a resolution to grant at the time of the JMNP2 examination (and a planning permission at the time it was made).
- In truth, it all points to the fact that Policy 6(2) is not about preventing new housing come forward, which would be highly problematic for Wiltshire Council as it attempts to progress the ELP focussing on Melksham as a major focus for growth. alongside the two largest settlements of Chippenham and Trowbridge. That is why the policy seeks only to manage new housing development, not prevent it.
- In that context, the Appellant's planning witness has not sought to argue paragraph 14 is not engaged.

7.90 In truth, the JMNP2 has plainly been pushed through at a time when the ELP supported a low figure for Melksham, and it would be very dangerous to allow it to block new housing sites coming forward for the next 5 years. That would simply encourage other main towns and areas proposed for growth to seek to make NDPs which restrict new development to brownfield sites, in a authority area where such opportunities are very limited.

7.91 Putting that matter to one side, the housing requirement in the JMNP2 is out-of-date because all the most important policies for determining the application are (see above).

7.92 Even in the alternative, compliance with second limb of paragraph 14 is not determinative for the reasons explained above. The planning balance is heavily skewed in favour of the development such that any conflict with Framework paragraph 14 and the JMNP2 would be outweighed by "other considerations" in the case of a s38 balance or the "benefits" of the scheme in the tilted balance under Framework paragraph 11(d).

[146] CD3.8

7.93 The benefits of the scheme and the Appellant's planning witness' weighting are set out below[147]:

- The Proposed Development would deliver significant material planning benefits, set out in the Statement of Common Ground[148]. The benefits are not disputed by the Council; the only dispute is to the level of weight. It is important to note that the Council has reduced the weight of a number of benefits since the Proposed Development was reported to the Strategic Planning Committee[149], but was unable to point to any evidence or justification for this in its evidence to the Inquiry[150].
- The benefits that the Proposed Development would deliver, alongside the weight that the Appellant invites the Inspector to afford to each one, are:

  a. the provision of up to 300 dwellings. This should be given very substantial weight considering the chronic shortage of five-year housing land supply which amounts to a shortfall of over 10,000 homes;

  b. the provision of up to 90 affordable homes. This should be given very substantial weight considering the acute shortage of affordable homes and the forecasted position in future years which would see an increase of 147 per cent from an existing shortfall of 4,302 affordable homes at the end of 2023/24 to 10,637 affordable homes by the end of 2028/29;

  c. an appropriate, locally sensitive, mix of dwelling types and sizes. This should be given substantial weight;

  d. a sustainable location for development. This should be given substantial weight, particularly given Melksham's status in the WCS and the emerging Local Plan and the significant constraints on development in other parts of the County;

  e. land for community use. This should be given substantial weight;

  f. provision of two new accesses onto Eastern Way that will deliver improvements in terms of vehicle, pedestrian and cycle connectivity. This should be given substantial weight;

  g. improvements to the public right of way network. This should be given moderate weight;

  h. the provision of onsite, publicly accessible open space. This should be given substantial weight;

  i. the provision of equipped play space. This should be given moderate weight;

  j. the provision of landscape enhancement. This should be given moderate weight;

  k. the delivery of BNG over the statutory requirements. This should be given moderate weight;

[147] Mr Neame's POE Section 13, Table 11, page 47 Planning Application: PL/2024/07097
[148] CD10.3 page 16
[149] CD10.3 Table 8
[150] Mr Reynolds XX

l. the provision of a managed, positive, surface water drainage system to improve the surface water regime in the locality. This should be given moderate weight;

m. the delivery of short-term economic benefits during the construction of the development. This should be given moderate weight; and

n. the delivery of long-term economic benefits from additional spending in the local area. This should be given moderate weight.

7.94 These are significant and tangible benefits that would be delivered by the Proposed Development. Collectively they are very weighty.

7.95 Planning permission should be granted under the tilted balance taking account the alleged conflict with the DP and paragraph 14 of the Framework.

Conclusion

7.96 For all of the reasons set out above, the Appellant invites the Inspector to allow the Appeal.

8 THE CASE FOR WILTSHIRE COUNCIL

Introduction

8.1 This appeal concerns a principle of fundamental importance in the planning system: the weight and protection that national policy affords to neighbourhood planning. Neighbourhood plan protection has been a consistent feature of the Framework since 2012, and the Government's intention to retain this protection is clear from the consultation draft for the emerging version of the Framework.

8.2 Paragraph 15 of the current Framework sets out that the planning system "should be genuinely plan-led", including providing "a platform for local people to shape their surroundings". The Joint Melksham Neighbourhood Plan 2 ('JMNP2') has sought to do just that. As the Independent Examiner for the JMNP2 highlighted[151]:

"*The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date. It includes a variety of policies and identifies positive and sustainable development. It addresses housing delivery in the Plan period.*

The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation."

8.3 The level of participation from the local community in this appeal reflects that steadfast commitment to meeting those objectives.

8.4 Paragraph 14 of the Framework provides a critical safeguard. It directs that where a neighbourhood plan is in force that is less than five years old (which is the case here), and it makes allocations to meet its identified housing need (again, here), the adverse impact of allowing development that conflicts with the neighbourhood plan "is likely to significantly and demonstrably outweigh

[151] CD3.8 executive summary

the benefits". This is one of the rare circumstances where national policy gives explicit guidance as to the likely outcome of the planning balance.

8.5 This appeal is precisely the set of circumstances for which paragraph 14 of the Framework has been designed for. The administrative area of Wiltshire Council is one of the largest local authorities in England with an area covering approximately 1,257 square miles and a population of approximately 510,400 people[152]. As the Appellant's planning witness accepts, Melksham is already slated to take on the most amount of housing growth of all the 'Market Towns' in Wiltshire in its emerging Local Plan. The Appellant's position is that it must take more[153]. The policy in paragraph 14 of the Framework seeks to ensure that those communities who actively plan for the growth they need, by engaging constructively with the planning system and updating their neighbourhood plans, remain in charge of deciding where that growth takes place and are not undermined by more general housing land supply shortfalls elsewhere.

The appeal site is not an appropriate location for the proposed development having regard to policies which direct the provision of housing

8.6 The parties agree on the documents which comprise the Development Plan for Wiltshire[154]. This includes the Core Strategy (2015), the JMNP2 and the Housing Site Allocations Plan (adopted 25 February 2020).

8.7 CP1[155] identifies Melksham as a second-tier settlement with the potential for significant development. CP1, however, does not provide open licence for development anywhere within the settlement area. The locations for development are managed through other spatial policies, importantly CP2[156] and CP15[157].

8.8 CP2 provides the delivery strategy and is key to how growth in Wiltshire is managed. It establishes a presumption in favour of development within defined settlement limits and specifically provides that development outside settlement boundaries will only be permitted in a limited set of circumstances.

8.9 CP15 sets out the spatial strategy for the Melksham Community Area, and it tells us explicitly to look at CP2 to determine what growth in this area over the plan period may consist of. If a proposal cannot meet CP2, then it follows that it conflicts with the rationale behind CP15.

8.10 This appeal proposal seeks permission for up to 300 dwellings on a site which the parties agree is not an allocation for development and is located outside of the settlement boundary[158]. The parties agree that the appeal scheme does not fall within any of the permitted categories in CP2[159]. No matter how the Appellant may seek to characterise it, this is not some peripheral or trivial

[152] CD4.1 paragraph 1.13, page 9
[153] Mr Neame XX
[154] CD10.3
[155] CD3.1 page 40
[156] CD3.1 page 44
[157] CD3.1 page 132
[158] CD10.3 paragraphs 5.5 & 5.7
[159] Mr Neame's POE paragraph 9.9, page 34 Planning Application: PL/2024/07097

conflict; it goes to the heart of how these spatial policies operate. The proposal is therefore squarely in conflict with CP2 and CP15[160].

8.11 The same is true for Policy 6 of the JMNP2. This policy makes clear that housing outside boundaries "will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need". Since the CS permits housing outside settlement boundaries in only a closed set of circumstances, and the proposal fails to fall within one of those exceptions, it is also in conflict with Policy 6. It simply cannot be "in accordance" with the Development Plan if it fails to comply with its core spatial policies[161].

8.12 The JMNP2 allocates a number of sites for residential development to meet (and exceed) the need for new housing in Melksham identified at the time[162]. While the Appellant has tried repeatedly to assert otherwise, those allocations were not chosen arbitrarily: they were informed by a Housing Needs Assessment[163] which provided updated independent evidence of the specific housing needs within the neighbourhood area. Following an extensive 'call for sites' and Strategic Housing and Economic Land Availability Assessment, 109 possible sites were assessed, including the appeal site which was not ultimately allocated[164].

8.13 As other inspectors have repeatedly made clear, "an appeal made under s78 of TCPA is not the forum to review a NP, rerun arguments tested at the Examination or set an indicative housing requirement[165]". Despite the Appellant's planning witness accepting that this was also his position, this has not prevented the Appellant from attempting repeatedly to undertake that sort of exercise. The Appellant's unwarranted attack on the impartiality of the Examiner is not supported by any evidence or found anywhere in the planning witness' proof, which he acknowledged[166]. The Appellant's big point appears to be that the JMNP2 allocations are not "true" allocations because the Bowerhill site is a "commitment"[167] by virtue of already having outline permission. This idea is not only misconceived, it also goes nowhere:

- First, this point was raised expressly by the Appellant in representations to the Independent Examiner[168], who made specific findings on the matter and was satisfied that there was no issue with the JMNP2's approach to its allocations[169],
- Second, the fact that Blackmore Farm was not included as an allocation is not evidence of inconsistency. As the Appellant's planning witness accepted, Blackmore Farm is an allocation in the emerging LP and had it been included in

[160] Mr Reynolds POE paragraphs 6.4 - 6.5, page 11 onwards Planning Application: PL/2024/07097
[161] Mr Reynolds POE paragraph 6.12 onwards, page 13 Planning Application: PL/2024/07097
[162] CD3.5 page 46 onwards
[163] CD3.6
[164] CD11.1
[165] Mr Neame's POE Appendix 3Planning Application: PL/2024/07097 & CD8.3
[166] Mr Neame XX
[167] CD3.5 Policy 7.3, page 58
[168] CD11.2
[169] CD3.8

the JMNP2 then that would have been a clear case of double counting[170]. Further, Blackmore Farm was only granted planning permission on 12 May 2025[171], which post-dated the JMNP2 examination. There is no evidence that representations were made regarding its alleged "omission", nor can the Examiner be faulted for not taking it into account.

- Third, in any event, and as the Appellant's planning witness confirmed, there is nothing in terms of law, policy or guidance to support the proposition that a site with outline permission cannot be included as an allocation in a neighbourhood plan[172].

8.14 Which means that there is no proper basis to challenge the validity of the JMNP2's allocations. The Examiner assessed the rationale of the identified housing figure and was satisfied that the JMNP2 met the necessary basic conditions and addressed housing delivery in the plan period[173]. This is not the forum to go behind that finding. As the Council's witness explains, it is evident that all of the JMNP2 allocations are beginning to come forward, save for Land at Whitley Farm, despite the plan having only been recently made[174]. The JMNP2 is delivering growth within the Melksham Community Area in a plan-led way.

8.15 The parties nonetheless agree that the policies of the CS and JMNP2 are out of date and that this affects the weight to be attached to them. It is critical, however, to understand that the fact that policies are out of date does not necessarily mean they have no weight – simply reduced weight. The JMNP2 was very recently made and continues to attract significant weight in the Council's assessment.

8.16 Similarly, the fact that the settlement boundaries are out of date is not determinative of this appeal. The settlement boundaries for Melksham were reviewed as recently as 2020 as part of the Wiltshire Housing Site Allocations Plan[175]. That review updated settlement boundaries across Wiltshire and made residential allocations where necessary. In relation to Melksham, no changes were proposed to the settlement boundary of the town. At that time, Melksham was forecast to exceed its indicative housing requirement by 14%[176]. As explained by the Council's witness, housing delivery has remained strong in Melksham through the CS plan period, completions have exceeded the CS indicative requirement and, factoring in additional deliverable commitments, 453 total dwellings above this requirement are now forecast (an additional 20%)[177].

8.17 The settlement boundaries were therefore considered and confirmed as recently as five years ago – notwithstanding that neighbourhood plans are considered to have reviewed their settlement boundaries where the issue

[170] Mr Neame XX and CD9.4 Policy 17, page 82
[171] CD9.4
[172] Mr Neame XX
[173] CD3.8
[174] Mr Reynolds POE paragraph 6.23, page 16
[175] CD3.4, page 82
[176] CD3.4 Table 4.10, page 22
[177] Mr Reynolds POE paragraphs 6.9 – 6.11, page 12

has been explicitly addressed through the neighbourhood plan process, even if the eventual outcome is to retain the existing settlement boundary[178]. The policy rationale underpinning them, i.e. directing development to the most sustainable locations and protecting the countryside, remains sound. The out-of-datedness of the boundaries relates to their age and the method by which housing need was calculated, not to any fundamental flaw in the spatial approach they implement.

8.18 The position is therefore as follows. The appeal proposals are in direct conflict with CS policies CP2 and CP15, and JMNP2 Policy 6. The proposals also conflict with the emerging Local Plan. All of these policy-making tools have rejected the appeal site in favour of more sustainable sites. We should take great care over any suggestion that this appeal site will *inevitably* come forward for development when the Council comes to reassess its housing numbers and allocations in future. That the regulation 19 consultation draft included this site within the most sustainable site options in Melksham is potentially misleading. The sustainability appraisal underpinning that draft never considered this site as a standalone site. This site was assessed as part of a significantly larger "Site 1" containing several other land parcels which also were discounted at Stage 4 of the site selection process[179]. As the Appellant's planning witness accepted, there is no evidence before this Inspector that if this appeal site were assessed against the sustainability appraisal criteria on its own, then it would be the most sustainable option in Melksham, let alone allocated[180].

8.19 The parties agree that deciding whether a proposal is or is not in accordance with the Development Plan as a whole is not a tallying exercise[181]. The approach to the application of section 38(6) was set out in *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 WLR 1447, which confirms at (26) that there may be policies applying to a proposal which point in different directions, and the decision maker will therefore have to assess the weight to be given to all of these considerations and decide whether the development plan should not be accorded the priority which the statute has given to it. For the reasons just explained, the core spatial policies of the CS and JMNP Policy 6 should not be dismissed simply because they are out of date, and they continue to attract weight (significant weight in the case of Policy 6 on the Council's case). As the Appellant's planning witness accepted, conflict with a single policy can, in principle, be enough for a negative determination; it depends on the importance of the policies which are infringed and the extent of the breach. This is entirely consistent with the established authorities: see *R (Corbett) v The Cornwall Council* [2020] EWCA Civ 508, [41]-[42]; *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, (22).

8.20 Applying that here, the spatial strategy directs housing development towards the defined settlements, but development located beyond the settlement boundary conflicts with the Development Plan unless it falls

[178] CD3.4 paragraph 6.5
[179] CD4.2 Figure 11, page 102
[180] Mr Neame XX
[181] Mr Neame XX

within specified exceptions. As noted by the inspector in the Papist Way appeal: *"Despite the proposal's compliance with many specific policies of the development plan, it cannot be said to accord with the development plan taken as a whole if it is fundamentally at odds with the plan's strategy"*[182]. The Appellant here accepts that it is in breach of CP2, CP15 and JMNP2 Policy 6. Accordingly, the appeal proposal is in direct conflict with the key housing policies and spatial strategy. It therefore fails to comply with the adopted Development Plan when taken as a whole.

8.21 The appeal site is not suitable in principle for the proposed development.

The parties agree that the proposals would cause other harms

8.22 The development of a housing estate consisting of 300 dwellings, potentially with further community buildings, and associated infrastructure located on what is currently an agricultural field will inevitably harm the character and appearance of the area. The site lies within the Avon Open Clay Vale LCA which is defined by a strong sense of openness[183].

8.23 It is common ground that the appeal scheme would cause landscape and visual harm. The Appellant's own landscape expert has identified that there will be some moderate effects to landscape character and views, along with further lower level effects. These include potentially moderate adverse effects to the Open Clay Vale LCA within the site's immediate context, moderate adverse effects to views from the site's immediate boundary (including where footpaths MEL22 and 23 cross) and potentially more moderate effects from the public right of way to the east / north of the site[184]. The Council's witness has carefully considered that evidence and concluded that this would result in **moderate** harm overall.

8.24 There would also be a loss of Best and Most Versatile ('BMV') agricultural land. Paragraph 187(b) of the Framework guides that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of BMV land. The proposals, to the extent to which they utilise BMV land, fail to do this. As the Council's witness identified, the Appellant has downplayed some of the loss of BMV land by excluding the Grade 3a land which is not being used for housing[185]. Despite asserting in the Council's witness' cross-examination that this was a preposterous position, the Appellant notably refused to engage with the appeal decision at Papist Way where it appears large amounts of open space were included in the overall loss of BMV land[186]. The Inspector can consider that decision for herself, which in turn will reveal that the Council's witness is perfectly entitled to point out that the Grade 3a open space here should also count towards the overall BMV land loss. In the end, the Council's witness entirely fairly attributes **moderate** weight to this harm.

8.25 Whether or not these harms were listed as reasons for refusal does not diminish their relevance. Both the effect on landscape character and loss of

[182] CD8.5 paragraph 392
[183] CD3.7
[184] Mr Neame's POE Appendix 5 Planning Application: PL/2024/07097
[185] Mr Reynolds EIC
[186] CD8.5 paragraphs 15, 31, 378

BMV land were identified as harms in the Officer's Report to Committee[187]. The Council has always accepted that neither of these harms would be sufficient to warrant the refusal of permission on their own[188], but they nonetheless must be taken into account in the overall planning balance.

The benefits

8.26 The appeal proposals would deliver up to 300 dwellings, 30% of which would be affordable. The Council acknowledges that there is a significant shortfall in housing land supply, which is between 2.14 and 2.42 years based on the parties' respective positions. In line with several of the appeal decisions referred to in this Inquiry[189], it is perfectly acceptable for the Inspector to adopt an approximate figure or range for present purposes, particularly as the parties have confirmed that the respective weight that they would give to the delivery of housing would not change in either event[190]. Further, as the Appellant's housing land supply witness confirmed, in the two most recent appeals in this district, other inspectors have been safely able to adopt the Council's 2.42 figure for the purposes of determining those appeals[191].

8.27 In judging the weight to be afforded to the provision of housing in this case, the Inspector can take into account the past record of delivery in Melksham, and the presence of the JMNP2 which provides a framework to deliver levels of housing above its identified target. Housing delivery has been strong within the Melksham Community Area, exceeding CS targets. The Council has performed well on the Housing Delivery Test (135% in 2024; 106% in 2023; 141% in 2022)[192]. The JMNP2 allocations are all beginning to progress. Further, across the three draft allocations in the emerging Local Plan, planning permission has been granted for up to 500 dwellings (Blackmore Farm), and planning applications are currently being considered across the other two proposed allocations totalling up to a further 500 dwellings. It is evident that despite the emerging Local Plan not yet being adopted, it is steering and bringing forward growth in Melksham[193]. Consistent with the decisions in Fontwell[194] and Cholsey[195], the Council therefore considers that the benefits of providing up to 210 market homes and 90 affordable homes should each be afforded significant weight in the overall planning balance.

8.28 The provision of public open space, equipped play space and improvements to the public right of way network will be principally required to meet the needs of the development. This notwithstanding, the Council's witness awards this benefit moderate weight. The extent of BNG exceeds the statutory minimum, and the Council considers that moderate weight can

[187] CD9.1 pages 48 - 49
[188] Mr Reynolds POE paragraphs 6.42 & 6.46
[189] CD8.3, CD8.5, Mr Neame's POE Appendix 3 Planning Application: PL/2024/07097
[190] CD10.3 paragraph 4.26
[191] Mr Harris POE paragraph 4.7 Planning Application: PL/2024/07097 & XX
[192] Mr Reynolds POE paragraph 7.2 Planning Application: PL/2024/07097
[193] Mr Reynolds POE paragraph 6.26 Planning Application: PL/2024/07097
[194] Mr Neame's POE Appendix 3 paragraphs 59-60 Planning Application: PL/2024/07097
[195] CD8.5 paragraphs 25-26

be attached to this benefit, along with limited weight to the provision of a surface water drainage system. The parties agree on moderate weight to the economic benefits of employment during construction and long-term spending in the local area, which have not been quantified[196].

8.29 As a package, the benefits attract **significant** weight. The benefits which would result in this case are typical of those that would be expected to accrue at any large residential proposal at the edge of a settlement. While this does not diminish the weighty nature of these benefits, they do not justify the fundamental conflict with the neighbourhood plan, as explained below.

Framework Paragraph 14

8.30 The JMNP2 was made on 4 August 2025 and is therefore less than five years old, meeting paragraph 14(a). The paragraph 14(b) test is an objective one: whether the neighbourhood plan contains policies and allocations to meet its identified requirement. The JMNP2 contains policies and allocations which meet and exceed its identified housing requirement of 270 dwellings. It is agreed that paragraph 14 is engaged[197].

8.31 Over the course of this Inquiry, we have heard a series of criticisms directed at the neighbourhood plan process: criticisms of the manner in which the Examiner was appointed; arguments about the basic conditions against which neighbourhood plans are assessed; and suggestions that the logic of including certain site allocations was flawed.

8.32 The Appellant's planning witness accepted in cross-examination that none of these points are relevant to whether or not paragraph 14 of the Framework is engaged. He confirmed that there is nothing in his proof of evidence commenting on the independence or impartiality of the Examiner, or the process by which examiners are appointed. He accepted that he was not arguing that the weight to be given to paragraph 14 should be reduced because neighbourhood plans are assessed against the basic conditions rather than some other standard[198]. That is obviously correct.

8.33 Paragraph 14 provides an important exception to the tilted balance. Where both criteria are met, the conflict with the neighbourhood plan is given considerable weight because this policy provides a rebuttable presumption that the adverse impacts are *"likely to significantly and demonstrably outweigh the benefits"*. The Appellant's planning witness agreed with that approach[199]. The Appellant, however, argues that the tilted balance should not be outweighed in this case on the basis of the housing shortfall in this district; the core policies being out of date; and the concerns raised by the examining inspectors over the emerging Local Plan.

8.34 But we know that the latest position is that the examining inspectors are "*satisfied at this stage that there is sufficient prospect that the existing legal compliance and soundness deficiencies [...] identified could be*

[196] Mr Neame XX & CD10.3 paragraph 5.58
[197] Mr Neame XX
[198] Mr Neame XX
[199] Mr Neame XX

overcome"[200]. The inspectors have confirmed that the emerging Local Plan is capable of resuming to examination, and the Council's witness provided an update to this Inquiry that the Council intends to provide a timetable as requested to pave a way forward for addressing those concerns. As the Appellant's planning witness accepted[201], this is not a situation where the examining inspectors have said the emerging Local Plan simply cannot continue[202].

8.35 The Appellant's reliance on the housing shortfall and out of datedness of the spatial policies is not a trump card against the weight to be given to paragraph 14. The policy operates on the specific basis that the tilted balance is engaged because the most important policies for determining the application are out of date (including where there is no five-year housing land supply). To a large extent, the factors relied on by the Appellant are already baked into the exercise. What paragraph 14 tells us is that in that scenario, the starting point is the strong presumption against granting permission.

8.36 Appeal decisions from Burghclere[203], Farnham[204] and Cholsey[205] collectively demonstrate the considerable weight that inspectors and the Secretary of State attach to the operation of paragraph 14 where it is engaged. In each instance, notwithstanding (i) the application of the tilted balance, (ii) a lack of a five year housing land supply, (iii) a housing shortfall and (iv) proposals promising considerable public benefits, those decision makers consistently treated the fundamental conflict with the neighbourhood plan strategy as a matter which significantly and demonstrably outweighed the benefits of additional housing.

Striking the balance

8.37 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.38 In light of the agreed housing land supply position, national policy tells us that paragraph 11(d) of the Framework applies. The paragraph 14 protection, however, strikes an important balance between the imperative to boost housing supply and the objective of maintaining a genuinely plan-led system, in which communities that have taken responsibility for planning for growth are afforded an appropriate degree of certainty and protection. If neighbourhood plans ceased to have force whenever housing supply is inadequate, paragraph 14 would be deprived of any coherent

[200] CD4.8
[201] Mr Neame XX
[202] The closing submissions were made prior to the publication of the Council's response to the examining Inspectors (ID16) and to the Inspectors further letter dated 27 February (ID17) and the withdrawal of the plan from examination on 22 May 2026 (ID23) – the details of which are dealt with in Main Consideration 5
[203] CD8.3 paragraphs 65-66

[204] CD8.4 paragraphs 103-105
[205] CD8.5 paragraphs 44-50

purpose. The policy exists precisely because local housing delivery rarely aligns neatly with strategic ambitions.

8.39 The Qualifying Bodies have been through two plan-making processes over prolonged periods of time, delivering the original JMNP and JMNP2. A dedicated, hard-working local community has driven this process. Confidence in the plan- making process would be seriously undermined were this appeal to be allowed despite the recency of adoption of the JMNP2 and the fact that it provides for growth exceeding its identified housing requirement. This is precisely the set of circumstances for which paragraph 14 has been included within the Framework.

8.40 The appeal scheme conflicts fundamentally with the core spatial policies of the Development Plan. This includes conflict with the very recently made JMNP2, to which the Council attaches **substantial** weight. There are additional harms in respect of the character and appearance of the area and the loss of BMV agricultural land, which can be attributed **moderate** weight. On balance, and with the strong presumption that comes with paragraph 14 protection, these harms are more than sufficient to outweigh the acknowledged contribution this scheme could make to the housing needs of the district and the other benefits that it might deliver.

8.41 It follows that the appeal scheme does not accord with the Development Plan taken as a whole, and there are no material considerations that would justify a decision to grant planning permission.

8.42 For all these reasons, the Council invites the Inspector to dismiss the appeal

9 THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY[206]

Jacob Lawrence speaking on behalf of Brian Mathew MP

9.1 Brian Mathew is the MP for the Melksham & Devizes Constituency. Mr Mathew's statement related to the national policy context, the intent of neighbourhood planning and Framework paragraph 14 and national precedent.

9.2 Neighbourhood planning is an essential consideration for any application, especially in instances where an abundance of agreeable sites have already been identified and allocated. This is a central tenant of the National Planning Policy Framework which explicitly states in Paragraph 14, 'the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits [where] the neighbourhood plan contains policies and allocations to meet its identified housing requirement'.

9.3 The Government has repeatedly endorsed a vision for planning in which communities are encouraged to plan positively for the future, in a way that aligns with resident aspirations for their hometowns. It is vital that planning authorities listen to and respect communities who have gone above and beyond to deliver adequate sites to meet local housing need. To be clear, the Melksham Joint Neighbourhood plan has allocated sites equivalent to double its

[206] ID4 & ID5

specified housing requirement and has been praised as "an excellent example of a neighbourhood plan review" by its independent examiner.

9.4 Ignoring communities, disrespecting their wishes, and overruling local knowledge will only increase dissatisfaction and resistance to the level of housing construction needed in this country. Framework paragraph 14 exists to protect these communities and give certainty that neighbourhood plans will be respected.

9.5 If a neighbourhood plan can be ignored, popular engagement in the planning process will be damaged and trust in plan-led decision making undermined. Less local input would be immeasurably detrimental to the quality of future developments and can only lead to greater resident dissatisfaction.

9.6 The circumstances of this appeal, in particular its proximity to the adoption of a neighbourhood plan, make this distinctive. Decision makers should ensure they consider the case carefully in light of the national precedent this could set. The integrity and importance of neighbourhood planning as a key tool of local democracy is under the spotlight and I repeat my call for paragraph 14 to be paramount in the consideration of this appeal.

9.7 Dismissing the appeal would reinforce the integrity and democracy of neighbourhood planning nationally and the intended effect of paragraph 14.

Cllr David Pafford

9.8 Cllr Pafford is Chair of the Joint Melksham Neighbourhood Plan 2 (JMNP2) Group & Vice Chair of Melksham Without Parish Council. He spoke on behalf of a co-ordinated group of interested parties who object to the appeal.

9.9 You will hear from parish and town councils, neighbourhood plan steering group members, professional bodies, residents and community groups. We are not here to duplicate the Council's evidence, nor are we opposing growth. We have a shared concern that the appeal seeks to override a recently made, up-to-date neighbourhood plan that has positively planned for housing, exceeded its requirements and benefits from full protection under Framework paragraph 14. If allowed, the harm would not be confined to this site; it would undermine neighbourhood planning, weaken the plan-led system, and damage public confidence in lawful plan-making – locally and nationally. Our evidence focuses on 1) wider harm to neighbourhood planning and paragraph 14; 2) local harm from conflict with JMNP2 policies; 3) longer-term harm to proper plan-led future planning of Melksham. Each speaker will address a specific issue once only; submissions should be taken together as a coherent body of interested party evidence and should be given full weight.

9.10 JMNP2 has been independently examined and found sound, it was approved at referendum and is a made neighbourhood plan. JMNP2 allocates housing sites and exceeds the housing requirement set for the area. It is up to date, meeting the criteria for NPPF paragraph 14 protection. Paragraph 14 is therefore triggered and is intended to provide full protection in decision-making. JNMP2 was made less than 24 hours before the Strategic Committee decision on the application. Paragraph 14 is clearly triggered, and full weight must be given to JMNP2 in the planning balance.

John Glover

9.11 John Glover is Chair of Melksham Without Parish Council and member of JMNP2 Steering Group.

9.12 Melksham is pro-growth and plan-led. This is our second neighbourhood plan. Both reflect the needs of our Joint Councils' area of responsibility.

9.13 Melksham has embraced growth through lawful plan-making and positive planning for housing. Engaging with developers to ensure that the neighbourhood plan policies are deployed. JMNP2 allocates housing and more than doubles the housing delivery requirement set for the area. There have been pre-app discussions with potential Plan Led site developers to ensure the best solution to neighbourhood plan requirements.

9.14 The Plan adopts a brownfield-first approach, including difficult and complex sites. JMNP2 has been independently examined and found sound. The Examiner said "The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date. It includes a variety of policies and identifies positive and sustainable development. It addresses housing delivery in the Plan period." 88% 'Yes' vote at referendum demonstrates a strong democratic mandate for the plan-led approach and follows from considerable public consultation.

9.15 The objection is not to growth, but to growth outside the agreed plan-led strategy. This is not opposition to housing; it is a request that plan-led growth and the community's democratic mandate are respected. Otherwise what is the point of an adopted neighbourhood plan.

Saffi Rabey

9.16 Saffi Rabey is Mayor of Melksham Town Council.

9.17 The Town Council fully supports planned and sustainable growth delivered through adopted local plans and lawful decision-making.

9.18 Growth is most effective when it is shaped through a transparent planning framework, where proposals are assessed against policies that have been democratically agreed and publicly consulted upon. Working within these adopted plans ensures consistency, fairness and long-term certainty for residents, developers and partner authorities.

9.19 The community has already recognised the need for new housing and has supported a plan that makes difficult but necessary choices for the future.

9.20 Through previous consultations and plan-making processes, residents have constructively engaged with the realities facing the area – such as housing demand, demographic change, and the infrastructure required to support growth. This willingness to confront challenging decisions demonstrates strong civic responsibility and an understanding that well-managed development can benefit the wider community.

9.21 The Joint Melksham Neighbourhood Plan reflects genuine collaboration between the Town Council and Parish Council, resulting in a strategy built on compromise, joint evidence and positive planning.

9.22 The Joint Melksham Neighbourhood Plan is not a document of resistance but one shaped through partnership working. By aligning priorities, sharing data, and balancing local insight with district-wide strategic needs, both councils have produced a plan that is pragmatic, proportionate, and deliverable. It represents a shared commitment to orderly development that respects community character while meeting identified needs.

9.23 Speculative development that falls outside the agreed plan risks undermining that collaborative work and damaging public confidence in the planning system.

9.24 When unplanned or speculative proposals come forward in isolation from the adopted strategy, they can erode trust in the process, create uncertainty and undermine carefully balanced compromises reached during plan preparation. This not only threatens the coherence of the local growth strategy but also risks reducing community engagement in future planning activity, as residents may feel their input and previous commitments have been disregarded. Allowing this appeal would undermine public confidence in lawful plan-making and the plan-led system.

Chris Holden

9.25 Chris Holden is Chair of Melksham Community Partnership and a member of the JMNP2 steering group.

9.26 As Chair of the Melksham Community Partnership, have seen first-hand the effort required to bring together councils, organisations, landowners and residents to support and plan for growth. As an active member of the JMNP2 Steering Group, I know the Neighbourhood Plan has planned positively for housing and meets the paragraph 14 criteria. As such paragraph 14 is triggered, so it is surprising and somewhat disappointing that this is being pursued through appeal rather than respecting the made plan. The Appellant's website states that as a land promoter they believe in a collaborative approach to land promotion, with a strong commitment to community engagement. The work that has culminated in the Neighbourhood Plan began in early 2014 and has had widespread engagement, input, review and consultation across the community.

9.27 Delivery partners rely on certainty; ignoring paragraph 14 undermines confidence and makes coordinated delivery harder. Policy 7.1 (Cooper Tyres) and 7.2 (Melksham Library) ambitiously allocates brownfield land that necessitates partnership delivery; ignoring paragraph 14 and undermining plan led development risks delivery of this important brownfield regeneration. This is about delivering growth properly through considered plans, not resisting development. We're not saying that houses shouldn't be built; far from it. We're simply saying that we want houses built on brownfield sites and that the Neighbourhood Plan, (some 12 years in the making), representing our community's own vision for the future of the Melksham Area, should be respected. Proceeding as if paragraph 14 protection can simply be set aside damages certainty, delivery confidence and the credibility of plan-led growth.

Cllr Richard Wood

9.28 Cllr Richard Wood is Chair of the Planning Committee, Melksham Without Parish Council; former Chair, JMNP1 Seering Group. Cllr Wood spoke about the

principle of development; settlement boundary breach and spatial strategy harm.

9.29 The appeal site lies outside the defined settlement boundary and in open countryside. It is a large outward extension beyond the logical edge of Melksham. Eastern Way forms a strong physical boundary; development beyond it would erode the defensible settlement edge. Approving the development would undermine the spatial strategy and set a precedent for further proposals beyond the settlement edge. The proposal conflicts with Policy 6 in principle and would cause strategic harm to plan-led growth.

Liz Rowley

9.30 Liz Rowley is a local resident who spoke about flood risk and drainage.

9.31 She lives near the site and has direct experience of flooding and drainage issues in the area. Surface water management locally is already under strain. Wessex Water have had to do work to Lopes Close to address flooding issues in the Primrose Drive area further downstream. Central parts of the site are affected by flood risk, including along Clackers Brook, and there are areas of Flood Zones 2 and 3. Policy 3 requires a precautionary approach and avoidance of increased flood risk elsewhere; the risks are not theoretical. Development here would worsen flood risk in an already sensitive area and conflicts directly with JMNP2 Policy 3.

Graham Ellis

9.32 Graham Ellis is a member of the JMNP steering group and Chair of Melksham Transport User Group. He spoke about JMNP2 Policy 11 – Sustainable transport and active travel.

9.33 Eastern Way is a fast, heavily trafficked route and acts as a barrier rather than a connector; it's the defacto Eastern Bypass whilst plans for one are assessed by the Department for Transport. Pedestrian and cycling connectivity from the site to facilities is poor and indirect. The location would force reliance on the private car for most trips, contrary to Policy 11's objectives. There is a limited supply of local employment land in this part of Melksham, meaning additional housing here would reinforce out-commuting patterns and further increase reliance on private car travel. This location entrenches car dependency and conflicts directly with JMNP2 Policy 11.

Cllr Simon Wise

9.34 Cllr Wise is Vice Chair of Lacock Parish Council and spoke about traffic and rat-running impacts on Lacock.

9.35 Traffic associated with the proposal would add to existing pressures on rural lanes and routes towards Lacock. Approaching from Melksham involves constrained routes and bridge crossings at Reybridge, which are prone to flooding and closures between September and March. These routes include single-track stretches with limited passing places, increasing conflict and safety risks for residents and visitors. Additional traffic would increase risks for pedestrians, cyclists and horse riders on rural lanes in a tourist area. Further traffic interventions would impose costs on a small rural parish. Additional

traffic would intensify rat-running and cause lasting harm to Lacock's rural lanes, community safety and visitor environment.

James Bradshaw

9.36 James Bradshaw represented the National Trust (Lacock) and spoke about heritage and visitor impacts on Lacock and Lacock Abbey setting.

9.37 Lacock is an exceptionally intact historic village of national significance, with narrow streets and high pedestrian activity. The bridge crossings at Reybridge form a key part of the approach and setting to Lacock and Lacock Abbey, and are a constraint point for traffic. Increased traffic would harm visitor experience through noise, congestion, safety conflict and erosion of historic character. Traffic pressure is compounded by periodic flooding-related closures. Heritage policy requires great weight to be given to conserving designated heritage assets and their settings. Increased traffic would cause unavoidable heritage and visitor harm to Lacock that must weigh heavily against the appeal.

Fiona Dey

9.38 Fiona Dey is a East Melksham resident and spoke about JMNP2 Policy 18 – Landscape character.

9.39 The site is visually open and forms part of the eastern rural setting of Melksham. There are long views across the Avon Open Clay Vale and the site contributes to openness and rural character. Public rights of way and informal routes experience the site as open countryside; development would change that experience permanently. Once built, the loss of openness and rural character cannot be restored. This proposal would cause irreversible landscape harm that conflicts with JMNP2 Policy 18.

Anne Henshaw

9.40 Anne Henshaw is the Chair of CPRE Wiltshire and spoke about JMNP2 policies 18 & 12 – Strategic landscape and green/blue infrastructure harm.

9.41 CPRE supports plan-led development that balances growth with protection of countryside character. The site contributes to landscape openness and the rural setting of Melksham; development would represent an advance into open countryside. Policy 12 (Green and Blue Infrastructure) seeks to protect and enhance multifunctional green and blue infrastructure; development would erode these functions. Landscape and GBI harms would be permanent and irreversible. Protecting landscape character and green/blue infrastructure is integral to plan-led growth; this appeal conflicts with policies 18 and 12 and should be dismissed.

Nico Mengini

9.42 Nico Mengini is Director of Jarboom (festival organiser); speaking about Oakfields as a community venue.

9.43 Oakfields is a valued community sports venue supporting a range of activities, including mixed-ability/SEND sports. Oakfields is also used as a venue for community events and local music festivals operated by Jarboom, supporting community sport and youth provision. Housing directly adjacent would

increase the risk of complaints and operational constraints, threatening events and future improvements. Policy 15 seeks to protect community facilities and avoid placing incompatible development next to them. This proposal would threaten the long-term viability of valued community facilities and conflicts with JMNP2 Policy 15.

Cllr Nick Holder

9.44 Cllr Holder is a Wiltshire Councillor for the Bowerhill ward containing the appeal site. He spoke about the strategic prejudice to plan-led growth; the Local Plan at examination; regeneration and coordination.

9.45 The existing area of Bowerhill is a great example of plan led development. Whilst made up of over 1500 dwellings there is great linkage around the whole area via the road network, pavements and footpaths. There are also well laid out and maintained play areas. At the centre of Bowerhill are the pub, the local shops, the village hall and the primary school. We have a recognised sense of place. The two most recently added on housing areas Parkfinder Place (250 homes) and Marston Close (12 homes) are well connected to the historic core of Bowerhill. Bowerhill's future growth needs to be strategically planned so as to create connected communities. The Wiltshire Local Plan is currently at examination stage and the housing developments for Bowerhill have been allocated in order to manage its growth in a comprehensive way. Approving unplanned development by appeal risks prejudicing the plan led approach and reducing strategic flexibility.

9.46 Unplanned housing growth ahead of co-ordinated employment provision risks worsening the existing housing-jobs inbalance underpinning the comprehensive approach being tested through the local plan examination. The future growth and expansion of Bowerhill must be shaped through plans, not appeals. This proposal would prejudice comprehensive plan-led development and create unplanned communities with no sense of place.

Cllr Charlena Stokes

9.47 Cllr Stokes is a Wiltshire Councillor for Melksham East and spoke about Snarlton specific strategic impacts, regeneration and inefficient use of land.

9.48 This proposed site borders Melksham East. Our Neighbourhood Plan is built on a plan-led approach, ensuring development comes forward in the right sequence, supported by necessary infrastructure. This is fundamental to delivering sustainable growth and regeneration for our community. Take the Cooper Tires site, for example. It is a major allocated regeneration site in Melksham in our Neighbourhood Plan under Policy 7.1. It has the potential to deliver at least a hundred homes alongside employment space and community facilities. This site is central to revitalising a brownfield area and reducing pressure on greenfield land. If this appeal is allowed, it risks diverting investment and developer focus away from planned sites such as Cooper Tires, delaying its delivery and undermining the regeneration benefits it offers.

9.49 For Snarlton Farm specifically, the proposal represents an inefficient use of land. The application lacks integration with existing services, infrastructure and the local community, which is in direct contrast with our more comprehensive plan-led options. Clackers Brook runs through the site – no bridge planned. Approving this appeal would fragment that strategy, leaving us with piecemeal

growth and missed opportunities for joined-up planning. Allowing the appeal would undermine comprehensive planning for Melksham and should be afforded significant weight against the proposal.

Campbell Ritchie

9.50 Campbell Ritchie represents WALPA (Wiltshire Area Localism and Planning Alliance), a Wiltshire-wide neighbourhood planning alliance representing 30+ neighbourhood planning groups. He spoke about the wider precedent harm to neighbourhood planning and paragraph 14 protection.

9.51 WALPA is an informal liaison and mutual support organisation of over 30 town, parish and neighbourhood planning groups, so including communities like Salisbury, Chippenham, Melksham, Trowbridge, Malmesbury and many others, which together have developed and maintain neighbourhood plans that cover hundreds of thousands of Wiltshire residents. Mr Ritchie was Mayor of Malmesbury.

9.52 Any neighbourhood plan is the result of a huge amount of time, effort and resource committed by communities. They are the embodiment of bottom up place making, built on partnership working and are a successful part of effective plan led development. They are closely inspected and shaped by independent examiners. They pass a referendum. They have public commitment and confidence. Research is clear – the major Reading University study in 2020 for the Government, for example, shows Neighbourhood Planning delivers more housing than Local Plan allocations, more tailored housing mixes and better quality.

9.53 The Joint Melksham Neighbourhood Plan 2 is front and centre of this Appeal. It is examined, made, up to date – it could hardly be more up to date!, allocates housing, supported by the public and is exceeding requirements. It had to be reviewed when it was, without delay, to maintain NPPF currency versus the 2 year and 5 year limitations. It has examiner agreed mechanisms in place to allow for community led amendment if circumstances require. Absolutely a neighbourhood plan covered by paragraph 14 – and, if there is any doubt, paragraphs 69 and 70 in respect of numbers – of the current Framework. It is absolutely a neighbourhood plan that the government clearly wants protected. Without doubt, a neighbourhood plan to which the adverse impact of allowing development that conflicts with it is likely to significantly outweigh the benefits.

9.54 Which is the case here. It is inconceivable that this Appeal is allowed. Any thought of, for example, treating wider strategic shortfalls as overriding this neighbourhood plan would nullify the National Planning Policy Framework in practice. It would not be compliant with the National Planning Policy Framework.

9.55 I can also say that this Appeal is not just about this application at this site. Allowing it would undermine public confidence in the planning system not just in and around Melksham. It would discourage communities from engaging in neighbourhood planning across Wiltshire. This appeal should be dismissed to uphold the JMNP2's Paragraph 14 protection and avoid wider harm to neighbourhood planning across Wiltshire.

Lance Allan

9.56 Lance Allan is President of the Society of Local Council Clerks (SLCC) and spoke about Council's investment and plan-led certainty.

9.57 Mr Allan has a BSc (Hons) in Transport Operations & Planning and was the Trowbridge town clerk from September 2005 to August 2025. He participated at the Core Strategy and Housing Sites Allocation Plan Examinations and has been involved in development of the Local Plan, as well as participating as a Rule 6 Party in appeals in Wiltshire.

9.58 The SLCC works with partners, including the National Association of Local Councils (NALC), to support neighbourhood planning. These organisations provide advice and support to members and offer national policy positions both proactively and in response to government. My attendance here today is a reflection of the importance of the issue to the whole local council sector.

9.59 The Framework at paragraph 14 is very clear. The adverse impact of allowing this appeal, will significantly and demonstrably outweigh the benefits. Certainty that 'made' plans will be respected is essential for good governance and partnership working. If paragraph 14 protection can be overridden immediately, confidence in lawful plan-making is damaged and future plan-making is discouraged. Town & Parish councils have been at the forefront of neighbourhood planning, 90% of 'made' plans being in parish areas.

9.60 Allowing this appeal, will have a detrimental effect on national neighbourhood planning, impacting communities across the country, eroding the confidence that communities have to make proposals to support growth; and the expectations of the public in the value of involvement in positive plan making.

9.61 The appeal decision must; recognise the significant time and resources invested to develop this updated neighbourhood plan, jointly by the growing community of Melksham, with Melksham Town Council and Melksham Without Parish Council; an exemplary neighbourhood plan which reinforces the community's role in delivering growth for Wiltshire.

9.62 The appeal decision must; support the efforts of communities across the country, willing to proactively deliver neighbourhood plans in line with the Framework and local plans. Dismissing the appeal significantly & demonstrably reinforces confidence in lawful plan-making and the plan-led system.

Vaughan Thompson

9.63 Vaughan Thompson is a chartered town planner who has supported both Councils and the steering group of local people in making JMNP1 and JMNP2. He spoke to provide the closing statement on behalf of Interested Parties.

9.64 JMNP2 was judged by the Examiner to be an excellent example of a reviewed plan and represents precisely how the Framework intends Neighbourhood Plans should support sustainable development. It was examined in May 2025 under the transitional arrangements of the 2024 version of the Framework. Its approach to housing allocations was found to be sound and up to date and there is commitment for plan review if circumstances demand. It became part of the development plan only six months ago, immediately before the planning

decision and contains policies and allocations that meet and exceed its identified housing requirement. Framework paragraph 14 is clearly triggered.

9.65 You have heard why the proposed development conflicts with a raft of policies in JMNP2 and its adverse impacts would significantly and demonstrably outweigh any of the claimed benefits. It is contrary to the development strategy and causes irreversible harm, including to landscape, sustainable transport and flood risk impacts. There is also wider harm to the proper planning of Melksham, including potentially undermining the viable regeneration of important allocated brownfield sites and future growth of Melksham to its east. For those reasons, the Interested parties respectfully ask that the appeal be dismissed and that full weight be given to JMNP2 and paragraph 14 of the Framework.

Teresa Strange

9.66 Teresa Strange is the Clerk to Melksham Without Parish Council and she spoke about the S106 and conditions.

9.67 The submission is made without prejudice and only applies if the appeal were to be allowed. The Parish Council would wish to participate in round-table discussions on conditions and section 106 obligations to ensure minimum safeguards are secured. The Parish Council is interested in first refusal for equipped play areas, allotments and community orchards. The Parish Council has secured land for a community centre east of Melksham on the Blackmore Farm site and requires additional funding to deliver this long-standing community objective. The Parish Council would therefore wish to engage in discussions about whether development contributions could support the delivery of this long-standing community objective.

Francis Morden

9.68 Francis Morden is a local resident. He spoke to say that he agreed with Lance Allen and that the appeal will turn on paragraph 14. He supports the Council's decision. The National Planning Policy Framework is a statement of government policy and paragraph 14 is quite separate from paragraph 11(d). Paragraph 14 (a) and (b) are both met. Paragraph 14 states that neighbourhood plans are paramount and there are no wholly exceptional circumstances in this case.

10. WRITTEN REPRESENTATIONS

10.1 **Local Residents:** A number of representations were received from local residents objecting to the proposal (17 at application stage). These include concerns regarding Melksham already being overpopulated and developed; the closure of Cooper Tyres meaning that the only significant employer has been lost; proposed development will destroy only access to open countryside of any significance for walkers; if there has to be any new building in Melksham, it should be on the Brown Avon Tyres site; damage to/loss of habitat and wildlife; loss of greenspace/agricultural land; detrimental to the rural character; encroachment into the countryside; housing needs to go on brownfield/industrial sites; not enough capacity at secondary and primary schools; difficulty booking appointments with doctors and dentists, lack of infrastructure to support new households, lack of retail and leisure provision in the town; existing roads unable to manage traffic; additional traffic

congestion; traffic calming measures would be needed along Eastern Way; increase in traffic; increase in speeding car racing and anti-social behaviour; bypass should be approved first; more sewage in rivers; potential flood risk; houses would not be affordable; pollution generated from the construction phase of the development; should be rejecting unplanned development; unsustainable location and isolated from facilities.

10.2 A number of other representations were received from internal and external consultees, with the exception of **Active Travel England** who were unable to support the application due to concerns regarding the supporting information and the lack of commitment to modal shift, no objections were raised to the proposal in addition to those set out in the previous section from the **National Trust** and **Town and Parish Councils**. In some cases this was subject to the imposition of suggested conditions and obligations within a S106 legal agreement.

11. CONDITIONS AND PLANNING OBLIGATION

11.1 The Appellant and the Council submitted a schedule of agreed conditions which were discussed at the inquiry. A S106 obligation was also agreed between the Council and Appellant and discussed at the inquiry. These conditions and the S106 planning obligation are discussed below.

12. INSPECTOR CONSIDERATIONS

References to earlier paragraphs in this report are in square brackets [].

Main Issues

12.1 The main considerations are:

- Whether the appeal site is an appropriate location for the proposed development having regard to policies CP1, CP2 and CP15 of the Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan 2;
- If not, whether the proposal would result in any other harm, with particular regard to landscape and BMV[207];
- Whether the Council can currently demonstrate a five year housing land supply and if not, the extent of the shortfall;
- Any benefits of the proposal and the weight to be given to them;
- If the Council cannot demonstrate a five year housing land supply, whether the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole, taking into account the recently made NP and the wording of paragraph 14.

[207] Best & Most Versatile Agricultural Land

Main Consideration 1 – whether the appeal site is an appropriate location for the proposed development having regard to the WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6

[5.3, 5.4, 6.1, 6.2, 6.5, 6.6, 7.3, 7.4, 7.6 – 7.8, 7.11, 7.21 – 7.32, 7.35 – 7.53, 8.2, 8.6, - 8.21, 9.18, 9.23, 9.24, 9.29, 9.45, 9.46, 9.48, 9.49, 9.65, 10.1]

12.2 The appeal site comprises undeveloped agricultural land. The parties agree that it is in the open countryside beyond the settlement boundary of Melksham as defined in the development plan [6.5].

12.3 WCS CP1 sets out the settlement strategy for Wiltshire and directs development to the identified principal settlements, market towns (including Melksham), local service centres and large and small villages with differing scales of development deemed acceptable in different locations. Whilst no reference is made within the policy to development beyond the identified settlements, supporting paragraph 4.16 states, amongst other things, that there is a general presumption against development outside the defined limits of development of the identified settlements.

12.4 WCS CP2, amongst other things, states that other than in circumstances as permitted by other policies in the Plan, development will not be permitted outside the limits of development as defined on the policies map. It further states that the limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. None of the circumstances apply here and the settlement boundary of Melksham was not altered by either the SAP or the JMNP1 or JMNP2.

12.5 WCS CP15 states that development in the Melksham Community Area should be in accordance with the settlement strategy set out in CP1 and that growth in the Melksham Community Area may consist of a range of sites in accordance with CP1 and CP2. The Melksham Community Area comprises the area beyond the settlement boundary of Melksham.

12.6 JMNP2 Policy 6 part 2 states that housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced housing need. Supporting paragraph 4.7.1 of the JMNP2 states, amongst other things, that development within settlement boundaries is generally supported and development outside boundaries is more controlled in the interests of balancing social, economic and environmental needs.

12.7 Noting the position of the appeal site beyond the settlement boundary for Melksham, the proposal is clearly contrary to WCS Policy CP2. Although the wording of JMNP2 Policy 6 is such that it does not explicitly preclude development outside settlement boundaries, it states that such development should be managed and anticipates accordance with the adopted Development Plan and the meeting of an evidenced local housing need.

12.8 The Appellant accepts that the proposal conflicts with WCS CP2 [7.8] and there is no suggestion that it meets an evidenced local housing need. The Appellant's planning witness also accepts that the breach of WCS CP2 results in a breach of WCS CP15 and JMNP2 Policy 6 [7.8].

12.9 Notwithstanding that WCS Policy CP1 is referred to in the RfR relating to the site location (RfR1), CP1 is silent regarding development outside of the identified settlements. Consequently, I do not find any direct conflict with this policy and this is consistent with the agreed position of the parties at the time of the Inquiry.

12.10 Having regard to all the above, I conclude that the appeal site is not an appropriate location for the proposed development having regard to WCS policies CP2 and CP15 and JMNP2 Policy 6. I will consider the weight to be given to this conflict later in my decision.

Main Consideration 2 – Other Harm

[5.3, 5.4, 5.21, 5.22, 6.19 – 6.25, 7.5, 7.68 – 7.77, 8.22 – 8.25, 9.29, 9.31, 9.33, 9.35, 9.37, 9.39, 9.41, 9.43, 9.45, 9.46, 9.48, 9.49, 9.65, 10.1]

12.11 Though not forming part of the Council's reasons for refusal, the Council's evidence identifies other harm to landscape and BMV.

Landscape

12.12 It is common ground that the proposal would result in some landscape harm because it involves the development of un-developed agricultural land and the loss of green fields [6.20][208]. However, at the time of determining the application, the Council did not consider that the degree of harm would be significant enough to warrant refusal of the application on landscape grounds. This remains the case but nevertheless, the parties agree that the degree of landscape harm is something to be weighed in the planning balance.

12.13 The application was accompanied by a LVIA addendum dated July 2024[209] and a note on landscape and visual impact prepared by the Appellant's landscape consultant dated December 2025 was submitted with the appeal (Appendix 5 of Mr Neame's POE). The note summarises the position as set out in the LVIA and considers the landscape and visual impact implications of the recently consented Blackmore Farm development including up to 500 dwellings to the north of the site (Ref PL/2023/11188)[210].

12.14 The appeal site is located within the Avon Open Clay Vale Landscape Character Area as identified in the Wiltshire Landscape Character Assessment (WLCA)[211] but is not subject to any specific landscape designations. The WLCA sets out

[208] CD10.3
[209] CD7.16
[210] CD9.4 – CD9.6
[211] CD3.7

the key characteristics of the character area which includes a level land form with wide open skies and views to ridges and downs.

12.15 The LVIA addendum concludes that no significant environmental effects were identified in landscape and visual terms and that whilst some adverse effects were identified on the landscape character of the site and views, these effects are limited in geographical extent and typical of greenfield development. The note states that whilst these relatively localised effects will remain, the consented Blackmore Farm development will have an urbanising effect on the baseline environment, providing a stronger settlement context for the proposal.

12.16 As stated, the appeal site comprises undeveloped agricultural land located to the east of the settlement of Melksham and residential development to the west of Eastern Way, a distributor road. The Snarlton Farm complex lies to the north of the site with Melksham Football and Rugby Clubs to the south. Beyond these developments, land to the north, east and south of the site is largely undeveloped, though as stated, there is a resolution to grant planning permission for development including residential development at Blackmore Farm to the north of the site.

12.17 Given this context and the scale of development proposed, I agree with the parties that the proposal would result in some landscape harm. However, I consider that any landscape harm would be limited and in the main fairly localised. This is noting the findings of the LVIA addendum, the methodology of which is accepted by the Council and the submitted development parameters plan which shows extensive areas of open space including areas along the northern, eastern and southern boundaries of the site. This would allow for substantial landscaping to help to mitigate the visual effect of the development on the wider undeveloped area.

12.18 Notwithstanding the agreed landscape harm, the parties agree that there would be no conflict with WCS CP52 and the Council considers the proposal to comply with WCS CP51. I agree with that position given the limited extent of the harm. For the same reason there would be no conflict with JMNP2 Policy 18.

BMV

12.19 It is common ground that the proposal would result in some loss of BMV agricultural land. The appeal site comprises a mixture of land classified as Grade 2, Grade 3a and Grade 3b with only Grade 2 and 3a classed as being BMV[212]. However, as with landscape harm, at the time of determining the application, the Council did not consider that the degree of harm would be significant enough to warrant refusal, but the parties agree that the loss of BMV is something to be weighed in the planning balance.

12.20 A note regarding BMV prepared by the Appellant's agricultural consultant dated December 2025 was submitted with the appeal (Appendix 4 of Mr Neame's POE) and discussed during the Inquiry. It estimates the loss of BMV land on the site to be approximately 4.4 ha of the total site area of 19.2 ha. The

[212] Framework Annex 2: Glossary definition

Council considers that the loss of BMV land would be more significant as even if it is not built on, other land within the site boundary would no longer be available for agriculture and should therefore be considered as lost. My attention was drawn by the Council to the Papist Way appeal decision[213] and the findings of the Inspector on BMV loss.

12.21 It appears from the evidence before me that not all the land within the appeal site is BMV, with a large section of land on the southern portion of the site being Grade 3b, not of a high enough quality to be classified as BMV. Nevertheless, I consider that any part of the development that would take place on BMV land, including ancillary areas such as open space, would in effect result in its loss to agriculture even if not being built on given the residential and long-term nature of the proposal. Consequently, the amount of BMV loss would be higher than that stated by the appellant and in the absence of specific figures, is more likely to be nearer to half of the appeal site area, so approximately 9 ha.

12.22 The BMV loss in the Papist Way case was 26.25 ha, so greater than here, and most was Grade 3a with a small area of Grade 2, so similar to the appeal site. The Inspector dealing with the Papist Way case accepted that ancillary parts of the development would also be unavailable to agriculture. I have taken a similar approach.

12.23 The Council presented no expert evidence on this issue and in the absence of this, and based on the evidence before me, I am satisfied that even if I consider that approximately half the site would be lost in terms of BMV, the proposal would not involve the significant development of higher quality agricultural land, of the type that section 15 of the Framework (paragraphs 187 & 188 and footnote 65) seeks to avoid. I therefore conclude that the harm arising from the loss of BMV would be moderate.

Other Alleged Harms

12.24 As set out above, at the Inquiry I heard from a number of interested parties raising concerns regarding the proposal. I have also had regard to the written representations received.

12.25 Although the appeal site is outside of the settlement boundary of Melksham, it is adjacent to it, close to existing and proposed residential development and services and facilities. I am satisfied that it has good connectivity and note that no concerns were raised in this regard by the Council who consider Melksham to be a sustainable location with the potential for significant development[214]. There is therefore no conflict with WCS policies CP60 and CP61 and JMNP2 Policy 11. I do not consider that approval of the proposal would set a precedent for development beyond the settlement boundary as my recommendation is based on the particular circumstances of this case with any other future developments needing to be assessed on their own merits and in light of the 5yrHLS position at that time.

[213] CD8.5
[214] CD3.1 WCS Policy CP1

12.26 Although I note evidence regarding other flooding in the area and the presence of Flood Zones 2 and 3 within the appeal site, as agreed by the parties[215] [6.15], there is no evidence that the proposal would result in an increase in flooding nearby or that suitable drainage cannot be provided to serve the development. The submitted FRA[216] confirms that the proposed development and developable areas are restricted to land that is in Flood Zone 1 only. Moreover, the Developable Parameters Plan[217] would ensure that developable areas are within Flood Zone 1 and can be secured by condition. There is therefore no conflict with WCS Policy CP67 or Policy 3 of the JMNP2.

12.27 Concerns were raised regarding the effect of traffic associated with the proposal, including on the heritage assets of and visitors to Lacock village and Abbey and on the bridge crossing at Reybridge. Whilst these concerns are noted, I note that no objections have been raised by the Council in this regard with no highway safety objections being raised by the Highway Authority. It is common ground between the parties that the proposal will not result in any harm to designated heritage assets. I have seen no evidence that suggests that any increase in traffic resulting from the proposal would have a materially harmful effect on the heritage assets at Lacock or on those visiting them. There is therefore no conflict with WCS policies CP58 and CP61.

12.28 I have found the landscape harm resulting from the proposal to be limited and have had regard to this in the planning balance. The Council has raised no concerns in respect of the loss of blue and green infrastructure, and I can see no reason to disagree with its findings on this matter noting that no objections were raised to the proposal by the Council's ecologist or arboriculture officer. There is therefore no conflict with WCS policies CP50, CP51 and CP52 and JMNP2 policies 12 and 18.

12.29 Reference has been made to a lack of employment facilities in the area and to a lack of integration with existing services, facilities and infrastructure. However, as stated, the appeal site is located at the edge of Melksham with good access to a range of services, facilities and transport options. Consequently, I consider it to be well-integrated and that future occupiers of the proposal would have sufficient access to services, facilities and employment opportunities. There is therefore no conflict with WCS policies CP3 and CP60 and JMNP2 Policy 11.

12.30 I understand from the evidence that the nearby sports clubs are used for events including a music festival. Concerns have been raised that the future presence of residential occupiers on the appeal site may lead to noise complaints when such events are taking place with consequent undue restrictions being placed on them. Notwithstanding that the illustrative masterplan shows residential development to the south of the site, near to the sports clubs and their facilities, there is no substantive evidence before me to suggest that the proposal would place any such restrictions on the future use of the sports clubs, including for events. There is therefore no conflict with WCS Policy CP57.

[215] CD10.3 paragraphs 5.20 & 5.21
[216] CD7.13
[217] CD7.5

12.31 Finally, given the particular site constraints, I am content that the proposal makes efficient use of land and note that the illustrative masterplan shows a footpath route across Clackers Brook[218], thereby providing connectivity across the site. There is therefore no conflict with WCS policies CP57 and CP60.

Main Consideration 3 – Housing Land Supply

[5.8, 5.15, 5.18, 6.3, 7.54 – 7.61, 8.26]

12.32 There is agreement between the parties that the Council cannot currently demonstrate a 5yrHLS [6.3]. However, there is disagreement regarding the extent of the shortfall with the Council stating that it currently has a 2.42 year supply and the Appellant stating a 2.16 year supply.

12.33 The Council relies on its Housing Land Supply Statement dated June 2025 (HLSS 2025)[219] which states that as of 1 April 2024, the Council had a deliverable supply of 2.42 years. This is based on an agreed requirement of 18,312 dwellings for the period 1 April 2024 to 31 March 2029 and on the Council's figures, this equates to a shortfall of 9,367 dwellings over the five year period. The Council provided no expert housing land supply evidence to the Inquiry, though the matter was addressed briefly in section 7 of Mr Reynolds' POE[220].

12.34 By contrast, I heard specific evidence on housing land supply from Mr Harris on behalf of the Appellant[221]. Although Mr Harris agrees with the Council's requirement figure, he concludes that the deliverable supply is reduced by 1,038 dwellings (7,907 versus the Council's figure of 8,945). This is because of dwellings being removed from the supply figure, from the windfall allowance and from 12 disputed sites.

12.35 Mr Harris' evidence sets out that his approach to windfall sites is consistent with that adopted by other Inspectors and sets out in some detail why not all the sites relied upon by the Council contribute to the deliverable supply or contribute as much as the Council suggests. In the absence of any substantive evidence from the Council regarding 5yrHLS to rebut Mr Harris' detailed evidence, I accept his evidence which I found to be pragmatic, credible and robust and having regard to the requirements of the Framework and relevant NPPG.

12.36 Although the Council referred Mr Harris to several recent appeal decisions in Wiltshire where a 5yrHLS figure of 2.42 years has been accepted (page 12 of Mr Harris' POE), it appears from the evidence before me that in those cases the 5yrHLS figure was not in dispute and so the Inspectors were not required to make a specific finding on it. I therefore attach limited weight to them insofar as they relate to 5yrHLS.

12.37 Similarly, when determining a very recent appeal decision for residential

[218] CD7.4
[219] CD5.1
[220] Planning Application: PL/2024/07097 Mr Reynolds POE
[221] Planning Application: PL/2024/07097 Mr Harris POE & verbal evidence as referenced in ID14

development in Melksham[222] dated 9 April 2026, an Inspector proceeded on the basis that the Council has a 5yrHLS of 2.42 years. However, I do not know what evidence regarding 5yrHLS was before the Inspector in that case and at the Inquiry, I heard evidence to suggest that this matter was not in dispute between the parties in this other Melksham appeal.

12.38 Therefore, for the purposes of this appeal and based on the evidence before me, I consider that the extent of the shortfall is 2.16 years which equates to 10,405 dwellings. This is a very significant shortfall.

12.39 In such circumstances, and as agreed by the parties, paragraph 11(d) of the Framework states that the policies which are most important for determining the application are out of date and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having regard to the stated key policies. This would be the case even if I had accepted the Council's higher 5yrHLS figure.

Main Consideration 4 – Other Considerations including Benefits of the Proposal

[4.1, 4.3, 6.4, 6.16, 6.36, 7.16, 7.17, 7.62 – 7.67, 7.93, 7.94, 8.26 – 8.29] (and 12.77 & 12.78 regarding S106 planning obligation)

Provision of open-market housing

12.40 The proposal includes development of up to 300 dwellings, in a location accessible to various services and facilities, 30% of which would be affordable. This equates to up to 210 open-market dwellings which the Appellant states would comprise of a locally sensitive mix of dwelling types and sizes. As agreed by the parties[223], the proposal is capable, subject to being brought forward quickly, of making a meaningful contribution to the 5yrHLS position of the Council. Notwithstanding previous housing delivery within the Melksham Community Area over the WCS period and the Council's recent Housing Delivery Test results[224], noting the current extent of the Council's 5yrHLS shortfall, I attach significant weight to the provision of open-market housing on the scale proposed. This would have been the case even if I had accepted the Council's figure for the 5yrHLS shortfall.

Provision of affordable housing

12.41 The proposal includes development of up to 90 affordable dwellings and complies with the requirements for affordable housing as set out in Policy CP43 of the WCS[225]. Ms Gingell provided expert evidence for the Appellant in relation to affordable housing. She set out that there is a significant existing need for affordable housing in Wiltshire and that this equates to an affordable housing emergency. Her POE[226] sets out that Policy CP43 of the WCS is underpinned by an expectation that around 13,000 affordable homes would be delivered over

[222] APP/Y3940/W/25/3374421
[223] CD10.3
[224] Mr Reynolds POE paragraphs 7.1, 7.2 & 7.5 Planning Application: PL/2024/07097
[225] CD3.1
[226] Planning Application: PL/2024/07097 Ms Gingell's POE Summary paragraphs 10.8 to 10.11

the plan period, equivalent to approximately 650 dwellings per annum. This is below the need for 1,360 affordable homes per annum identified by the 2011 SHMA[227] and 1,667 per annum identified in the 2023 LHNA[228]. Ms Gingell's POE states that delivery has consistently failed to meet DP expectations with net affordable housing delivery of around 577 dwellings per annum since the Council was formed in 2009/10[229]. Since 2020/21 she states that the Council has met only a third of the need identified in the 2023 LHNA all this resulting in historic and ongoing under-delivery.

12.42 Ms Gingell's evidence was not challenged by the Council who did not provide an expert witness on this matter. Given the unchallenged evidence of an acute need for affordable housing in the area and the contribution that the proposal would make to affordable housing, I attach significant weight to this benefit.

Other Social Benefits

12.43 The development also includes land for a community use or building, the provision of on-site publicly accessible open space, the provision of an equipped play space and improvements to the public rights of way network. Some of these aspects of the development are shown on the submitted plans and detailed in supporting documents[230] and others are dealt with and secured by the obligations in the S106 planning obligation. I attach moderate weight to these other social benefits of the proposal.

Economic Benefits

12.44 The proposal would deliver short-term economic benefits during the construction period and long-term economic benefits from additional spending in the local area. Given the scale of the proposal, I attach moderate weight to these benefits.

Environmental Benefits

12.45 The parties agree that the site is capable of exceeding its statutory 10% BNG requirements and that the completed statutory metric calculation (dated 19 July 2024) confirms that the proposal would result in a percentage gain of 29.21% for habitat units, 10.24% for hedgerows and a 58.1% gain for watercourse units[231]. Noting the extent of the BNG proposed, I attach moderate weight to these environmental benefits.

12.46 It is common ground that the proposal would result in improvements to on-site surface water drainage[232], though to ensure that all the Council's drainage officer requirements are met, additional information regarding drainage is required to be submitted by the imposition of conditions. However, based on the available evidence, there are no concerns that all the requirements can be met. Noting this, I attach moderate weight to these environmental benefits.

[227] CD6.10
[228] CD6.11
[229] Table 6.1, page 42 of Ms Gingell's POE
[230] CD7.4, CD7.5, CD7.6, CD7.19, CD7.33, CD7.36
[231] CD10.3
[232] CD10.3

12.47 The Appellant also refers to the social and environmental benefits associated with the provision of two new accesses onto Eastern Way and to the environmental benefit of landscape enhancement. However, as the accesses are required solely for the proposed development and do not appear to connect to other access routes including cycle routes, I do not consider them to offer wider benefits and therefore attach no weight to this matter. Similarly, as it is agreed that there would be landscape harm arising from the proposal, I do not consider that there would be landscape enhancement or that this would amount to an environmental benefit.

12.48 In determining the weight that ought to be attached to the various identified benefits, I have had regard to the evidence before me. However, I note that in some cases my weightings differ from those applied by other Inspectors dealing with similar proposals under similar 5yrHLS circumstances, including the Inspector who determined a recent appeal in Melksham[233]. Nevertheless, given I have very limited knowledge of the evidence before those Inspectors, I have considered the proposal before me on its own merits.

Main consideration 5 – Planning Balance

[5.3, 5.4, 5.8 – 5.17, 5.23, 5.24, 6.1, 6.2, 6.5 – 6.7, 6.9 – 6.11, 7.6 – 7.15, 7.20, 7.22 – 7.28, 7.33, 7.34, 7.41, 7.51 – 7.53, 7.81 – 7.92, 7.95, 8.1 – 8.5, 8.12 – 8.17, 8.30 – 8.42, 9.2 – 9.7, 9.9, 9.10, 9.12 – 9.15, 9.17 – 9.24, 9.26, 9.27, 9.29, 9.48 – 9.49, 9.52 – 9.55, 9.59, 9.62, 9.64, 9.65, 9.68]

12.49 The parties agree that WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6 are out of date for the purposes of the determination of the appeal[234]. The parties also agree that this affects the weight to be given to these policies, though differ in terms of the actual weight itself.

12.50 The Appellant considers that the weight is limited and that the proposal complies with the development plan as a whole. However, the Council considers that the WCS policies carry reduced weight but that JMNP2 Policy 6 should be afforded significant weight given that the JMNP2 is recently made, has been found to meet the basic conditions for NPs and provides for at least twice the level of growth which it has been identified to provide. The Council therefore attaches substantial weight to the conflict with JMNP2 and moderate weight to the conflict with the relevant WCS policies identified.

12.51 As outlined above, I have found conflict with WCS policies CP2 and CP15 and JMNP2 Policy 6. Notwithstanding compliance with other policies within the development plan, including those listed earlier in this report as being of relevance, given that these policies form an important part of the spatial strategy for the area, I find conflict with the development plan as a whole. Nonetheless, given the Council's 5yrHLS which I have found to be 2.16 years, significantly below the five year requirement, I give limited weight to the harm arising from the conflict with these policies as well as to the identified landscape harm with the loss of BMV attracting moderate weight.

[233] ID21
[234] CD10.3 paragraph 5.2

12.52 Weighed against this harm are the significant benefits that would arise from the proposal as set out above and which include up to 300 dwellings, up to 90 of which would be affordable against a backdrop of a very poor 5yrHLS position of 2.16 years and a deficit of 10,405 dwellings. In this case and applying the tilted balance of paragraph 11(d) of the Framework, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the stated key policies which include those providing affordable homes.

12.53 In coming to this conclusion I have given careful consideration to the fact that the JMNP2 is a recently made neighbourhood plan (made in August 2025) and paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

12.54 There is no dispute between the parties that the neighbourhood plan is less than five years old and that paragraph 14 is engaged[235]. I have found conflict with Policy 6 of the JMNP2. However, the wording of paragraph 14 is such that conflict with a neighbourhood plan will not be determinative in every case.

12.55 The JMNP2 identifies a housing figure of approximately 270 dwellings for the neighbourhood plan area for the plan period of 2020-2038. This figure is derived from the ELP figure of 2,160 dwellings for Melksham and is a result of completions and commitments in the last five years along with allocations proposed in the ELP. At the Inquiry the Council and interested parties stated that the JMNP2 is over-providing against its housing requirement with allocations within the JMNP2 providing for more than 270 dwellings on sites more appropriate than the appeal site[236]. The JMNP2 housing allocations provide for a figure up to 415 dwellings plus any dwellings provided at Whitley Farm.

12.56 The ELP was withdrawn from examination on 22 May 2026[237] following various correspondence between the Council and the examining Inspectors.

12.57 The most recent letter from the Inspectors[238] concludes that they had significant soundness concerns regarding the ELP, some of which are strategic in nature and relate to housing[239]. They therefore suggested that the ELP be withdrawn and that the Council prepare a new plan under the new local plan-making system. They stated that the alternative would be for the examination

[235] CD10.3 paragraph 5.58
[236] CD3.5 Policies 7.1 to 7.5 page 46 onwards
[237] ID23
[238] ID17
[239] CD4.8

to progress but that this would inevitably lead to a recommendation that the ELP is not adopted due to soundness concerns. As stated, the Council subsequently withdrew the ELP from examination meaning that the ELP position at the time that the Inquiry closed has moved on somewhat such that there is no longer any prospect of the deficiencies of the ELP being overcome during the current examination as referred to by the Council in closings[240].

12.58 Given the above, there is no longer an ELP and there is therefore no prospect of a new plan to replace the CS in the short to medium term. The CS housing figures are now significantly out of date. The ELP is the plan which the housing figures in JMNP2 are derived from and rely upon. The Qualifying Bodies (QBs) preparing the JMNP2 sought a housing figure for the neighbourhood plan from the Council and were perfectly entitled to rely upon it in preparing the JMNP2. However, circumstances have since changed and based on the evidence before me, there is no longer any sound basis for this housing figure or any compelling evidence that the housing requirement identified in the JMNP2 is sufficient to meet the needs of the area over the plan period.

12.59 Whilst the housing allocations in the JMNP2 exceed this figure of 270 dwellings and allocate land for up to 415 dwellings plus any dwellings provided at Whitley Farm, there remains a high level of uncertainty regarding the housing requirement for Melksham. The ELP was being examined under the transitional arrangements set out within the Framework but the housing requirement of any new plan to replace the CS will be expected to be calculated in accordance with the standard method. Based on the current standard method, this will result in a higher housing requirement for Melksham than that set out within either the CS or the ELP, upon which the JMNP2 housing requirement was based.

12.60 Moreover, there is agreement between the parties that the settlement boundary of Melksham is out of date and does not align with the current housing needs for the town and that Melksham is a sustainable location for new residential growth[241]. Several residential developments beyond the settlement boundary have recently been granted planning permission, both by the Council and at appeal, including at Blackmore Farm[242] and at Woodrow Road[243].

12.61 It is understandable that the QBs will be frustrated by all of this given that the JMNP2 is very recently made and reflects local wishes, but for the reasons stated, the housing requirement within it can no longer be relied upon. The circumstances of this case together with the wording of paragraph 14 of the Framework means that I do not consider that allowing this appeal would seriously undermine the neighbourhood plan making process or diminish its role in the planning system. It is clear that local residents have invested a significant amount of time and effort in producing the JMNP2 which was recognised as an exemplar by the independent examiner. Nevertheless, its housing requirement is not a sound basis upon which to assess housing proposals in Melksham and for the reasons stated, I am not convinced that the

[240] ID13 paragraph 34
[241] CD10.3 paragraphs 5.6 & 5.8
[242] CD9.4 & CD9.5
[243] ID21

higher housing figure provided for by the JMNP2 allocations is likely to be enough to meet the needs of the neighbourhood plan area moving forward.

12.62 The relationship between the JMNP2 and the ELP and consequent uncertainty regarding the housing requirement for the neighbourhood plan area was recognised by the independent examiner who stated that the QBs should assess the need or otherwise for a review of the JMNP2 within six months of the adoption of the ELP[244]. The examiner did not anticipate a situation where the ELP was not adopted as is the case now, but its withdrawal only increases the uncertainty regarding the robustness of the JMNP2 housing requirement.

12.63 Under these circumstances, it could be argued that Framework paragraph 14 is no longer engaged. However, given the central importance of this matter to the case and to the interested parties, I have taken it into account. Nonetheless, due to the substantial housing land supply shortfall in the area, including the affordable housing shortfall, and the withdrawal of the ELP, I conclude that conflict with the neighbourhood plan is not determinative. In the particular circumstances of this case therefore, the adverse impact of allowing development does not significantly and demonstrably outweigh the benefits.

12.64 Concerns have been raised by interested parties that the JMNP2 housing allocations include brownfield sites, some of which are difficult and complex and that approval of the proposal on a greenfield site will undermine the delivery of the JMNP2 sites. However, there is no compelling evidence that this would be a likely consequence of approval of the proposal, particularly given the current significant housing shortfall in the area which means that demand for additional housing will be high.

12.65 The Council has drawn my attention to several appeal decisions where Inspectors have found conflict with NPs and Framework paragraph 14 and where appeals have been dismissed[245]. Whilst I have had regard to these, I note that other Inspectors have taken a different view[246].

12.66 In dismissing the appeals cited by the Council, the Inspectors had regard to the circumstances of those cases before them which differ to those before me and so the cases are not directly comparable. I therefore attach limited weight to these other decisions cited by the Council and have made a recommendation on the case before me on its own merits.

12.67 To conclude and having regard to all of the above, notwithstanding conflict with the neighbourhood plan and other development plan policies, any adverse impacts of granting planning permission for the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including paragraph 14.

[244] CD3.8 paragraph 7.66
[245] CD8.3, CD8.4, CD8.5
[246] CD8.1, Mr Neame's POE Appendix 3

Conditions and Planning Obligation

Conditions

12.68 In the event that planning permission is granted, the Appellant and the Council have agreed a list of conditions that they consider ought to be imposed.

12.69 Conditions relating to the submission of the reserved matters; what these are and the timing of this as well as requiring the commencement of development within 2 years of the approval of the last of the reserved matters are necessary. The reduced timeframe of 2 years is agreed and is justified in this case to ensure that development comes forward without delay to address the housing shortfall in the area and to bring forward the benefits associated with the development (conditions 1, 2 & 4). Condition 3 relating to the phasing of the development is necessary to ensure the proper delivery of the development.

12.70 Condition 5 specifies the approved plans and is necessary to provide certainty. Condition 6 is necessary to ensure that the reserved matters applications accord with the design parameters set out within the Design and Access Statements and that they include an acoustic design scheme. A condition is also necessary to ensure that the reserved matters applications make provision for various sustainable transport requirements in order for the development to prioritise sustainable modes of transport. This condition requires agreement prior to any works taking place on site due to the strategic nature of the requirements (condition 7). Condition 8 requires a detailed housing mix to be submitted as part of the reserved matters and is necessary to ensure the development provides a diverse and balanced range of housing types and sizes. A final sustainable energy strategy is also required to be submitted with the reserved matters and is necessary to ensure that the development appropriately responds to climate change (condition 9).

12.71 Conditions 10 to 20 (inclusive) prevent development from taking place until the requirements of the conditions have been met. These requirements relate to tree protection and arboricultural management, archaeological investigations, drainage strategy, foul drainage, the need for a construction management plan, a landscape and ecology management plan, a habitat management and monitoring plan, construction details of the accesses and details of the internal estate roads. The nature of the requirements of these conditions is such that details need to be agreed and measures put in place prior to any works taking place. They are necessary to ensure tree protection, the protection of archaeological features, suitable drainage including foul drainage and appropriate management of the construction phase of the development to ensure no adverse effects on living conditions, highway safety and the wider environment, ecological management and enhancement and a safe and sufficient access strategy.

12.72 Condition 21 is necessary to ensure that sufficient access facilities are provided prior to each phase of the development being occupied. Condition 22 requires a scheme of water efficiency to be submitted and is necessary to ensure that the development contributes to sustainable development and responds to climate change. Details are required to be submitted regarding the proposed bus stop/shelter and toucan crossing which shall be provided prior to first occupation and regarding an extension of the existing shared walking and

cycling facility along Eastern Way (conditions 23 & 24). These conditions are necessary to ensure that safe and sufficient access is provided and that the development is accessed by a variety of transport modes.

12.73 A condition is required to ensure that any lighting on site meets appropriate standards so as to not cause harm to bats (condition 25) and an updated mitigation strategy for Great Crested Newts and Badgers are required to be submitted by condition 26. This is necessary to ensure adequate protection for these protected species. Finally, condition 27 relates to the delivery of the proposed site for the community use/building and is necessary to ensure its provision.

12.74 The two suggested conditions regarding landscaping (numbered 25 & 26 on ID10) are not necessary as landscaping is a reserved matter so can be dealt with at that stage.

12.75 Where necessary I have amended the wording of the suggested conditions slightly to improve clarity, to require the approval of details in writing and to remove tailpieces at the end of conditions as these create uncertainty and do not meet the tests for conditions as set out at Framework paragraph 57, particularly the precision test. However, none of these amendments have fundamentally altered the requirements of the conditions.

Planning Obligation

12.76 A S106 planning obligation has been completed by the Appellant and the Council together with the site owners[247].

12.77 The planning obligation includes the following covenants and obligations:

- The provision of at least 30% of the residential units within the development as affordable housing of which 60% will be affordable rent, 15% as shared ownership and 25% as First Homes.
- The submission of a Landscape Plan including Management Scheme and Allotment Scheme prior to the commencement of development and to complete the open space works and play area works in accordance with the approved Landscape Plan and to complete the allotments in accordance with the approved Allotment Scheme.

12.78 The planning obligation also includes the payment of a financial contribution towards:

- Biodiversity Net Gain monitoring;
- The provision of a bus service in the vicinity of the development;
- The cost of provision of a community building in the vicinity of the development;
- The administration, printing and provision of cycle maps for the purposes of distribution to local residents of the development as part of the Travel Plan;

[247] ID15

- The provision of a new primary school or towards the provision of early years facilities at the new nursery site;
- Green travel vouchers for occupiers of the residential units;
- Additional floorspace at nearby medical centres;
- The delivery of cycling and walking improvements to connect the development to the town centre and associated facilities and employment opportunities;
- Various highway works;
- The delivery of a public art scheme;
- Accessibility measures and facility enhancements at Melksham Railway Station;
- Various works to public rights of way near to the development;
- The provision of sports pitches or ancillary provision within the vicinity of the development;
- Travel Plan monitoring; and
- The provision of waste and recycling equipment.

12.79 Having regard to the submitted CIL compliance schedule[248] and to discussions at the Inquiry, I am satisfied that all the obligations included within the S106 planning obligation are supported by policy and meet the tests for obligations set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework. I have therefore taken them into account in considering the proposal.

12.80 The obligations also mean that the Council's initial concerns regarding infrastructure as set out in RfR2 have been overcome. The S106 planning obligation makes adequate provision for on-site and off-site infrastructure to make the proposal acceptable in planning terms and to ensure that it complies with Policy CP3 of the WCS and with the relevant requirements of paragraph 8 of the Framework.

Conclusion and overall Planning Balance

12.81 Although I have found that the proposal conflicts with the development plan as a whole, in this case there are material considerations which indicate that the decision should be taken otherwise in accordance with it.

13 RECOMMENDATION

13.1 I recommend that the appeal should be allowed.

Beverley Wilders

INSPECTOR

[248] ID12

ANNEX A – APPEARANCES

FOR Wiltshire Council

Edward-Arash Abedian, Counsel instructed by Hannah Bartlett of Wiltshire Council

They called:

Mark Reynolds, BSc (Hons), MSc, MRTPI	Planning Managing Director of Context Planning Ltd

Additional participants at the Conditions and Obligations Round Table Session:

Verity Giles-Franklin	Senior Planning Officer, Wiltshire Council
Kenny Green	Planning Manager, Wiltshire Council
Robert Rossiter	Strategic Specialist for Major Highways Projects, Wiltshire Council
Chris Herz	Senior Legal Assistant, Wiltshire Council
Chrisa Tsompani	Solicitor on behalf of Wiltshire Council

FOR Catesby Estates Promotions Limited

Christopher Young KC and Tobin Byers, Counsel instructed by Ian Humble of Catesby Estates Promotions Limited

They called:

David Neame, BSc (Hons), MSc, MRTPI	Planning Director of Neame Sutton Chartered Town Planners
Stephen Harris, BSc (Hons), MRTPI	Housing Land Supply Director, Emery Planning
Annie Gingell BSc (Hons) MSc MRTPI	Affordable Housing Associate Director, Turley

Additional participants at the Conditions and Obligations Round Table Session:

Rhiannon Jones	Neame Sutton Limited
Ian Humble	Catesby Estates Promotions Limited
Karen Howe	Shoosmiths

INTERESTED PERSONS

Lance Allan	Society of Local Council Clerks
James Bradshaw	National Trust (Lacock)
Fiona Dey	Local Resident
Graham Ellis	Melksham Transport User Group
John Glover	Melksham Without Parish Council
Anne Henshaw	CPRE Wiltshire

Chris Holden	Melksham Community Partnership
Cllr Nick Holder	Wiltshire Council
Jacob Lawrence	On behalf of Brian Mathew MP
Nico Mengini	Director, Jarboom (festival organiser)
Francis Morden	Local Resident
Cllr David Pafford	Melksham Without Parish Council
Saffi Rabey	Mayor – Melksham Town Council
Campbell Ritchie	WALPA (Wiltshire Area Localism and Planning Alliance
Liz Rowley	Local Resident
Cllr Charlie Stokes	Wiltshire Council
Teresa Strange	Melksham Without Parish Council
Vaughan Thompson	Chartered Town Planner
Cllr Simon Wise	Lacock Parish Council
Cllr Richard Wood	Melksham Without Parish Council
Jerry McConn	Press – Melksham Independent News

ANNEX B: CORE DOCUMENTS

Core Documents can be accessed at: AP-37487

CD Ref	Title
CD1	National Policy and Guidance
CD2	Other National Guidance Documents, including MHCLG
CD3	Adopted Wiltshire Council Development Plan Documents, Guidance and Background Documents
CD4	Wiltshire Local Plan Review Examination Documents
CD5	Housing Land Supply Documents
CD6	Affordable Housing Documents
CD7	Appeal Scheme Documents
CD8	Case Law and Appeal Decisions
CD9	Other Relevant Documents
CD10	Planning Appeal Documents
CD11	JMNP2 Evidence Base
CD12	Inquiry Documents

Proofs of Evidence can be accessed at: Planning Application: PL/2024/07097

POE Ref	Title and Author
FOR Wiltshire Council	Proof of Evidence of Mark Reynolds on behalf of Wiltshire Council – Mark Reynolds
FOR Catesby Estates Promotions Limited	Proof of Evidence – Planning Matters – David Neame

Proof of Evidence – Housing Land Supply – Stephen Harris
Proof of Evidence - Affordable Housing Matters – Annie Gingell

ANNEX C: DOCUMENTS SUBMITTED DURING THE INQUIRY

Inquiry Documents can be accessed at: AP-37487

INQ Ref	Description
ID1	Latest version of Draft S106
ID2	Appellant's Opening Statement
ID3	Council's Opening Statement
ID4	Interested Parties details and overview of their comments
ID5	Detailed Comments of Interested Parties
ID6	Paper Copy Bundle of Plan before the Council when it made its decision
ID7	Updated CIL Compliance Schedule
ID8	Settlement Boundary Note
ID9	Housing Requirement for Melksham addendum to SOCG
ID10	Updated Conditions List
ID11	Updated Draft S106
ID12	Updated CIL Compliance Schedule with Appendices
ID13	Council's Closing Statement
ID14	Appellant's Closing Statement
ID15	Completed S106
ID16	Council response letter to ELP Inspectors dated 30 January 2026
ID17	ELP Examining Inspectors letter to Council dated 27 February 2026
ID18	Council response letter to ELP Inspectors dated 12 March 2026
ID19	Appellant's comments on ID17
ID20	Council's comments on ID17
ID21	Appeal Decision APP/Y3940/W/25/3374421
ID22	Appellant's comments on ID21
ID23	Council letter to PINS dated 22 May 2026 withdrawing the ELP
ID24	Interested Parties comments on ID21 and ID23

ANNEX D – SCHEDULE OF RECOMMENDED CONDITIONS

1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

2) Application(s) for the approval of all reserved matters specified in Condition 4 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

3) No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

   Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the quantities of open market and affordable housing as well as the community area, POS, on-site BNG provision, and on-site play provision uses and associated infrastructure relevant to any given phase.

   The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

   In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

   The development shall be carried out in strict accordance with the provisions of the approved phasing plan.

4) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

   a) The scale of the development.
   b) The layout of the development.
   c) The external appearance of the development.
   d) The landscaping of the site.

   The development shall be carried out in accordance with the approved details.

5) The development hereby permitted shall be carried out in a phased manner in accordance with the following approved plans and documents:

   Dwg 05d, Location Plan, received on 22 May 2025;
   Dwg AI14h, Development Parameters Plan, received on 22 May 2025;
   Dwg 18507-03-1 Rev C, Proposed Roundabout Site Access and Crossing Works (North Access), received on 22 July 2025;
   Dwg 18507-06, Proposed Roundabout Site Access (South Access), received on 22 May 2025;
   Dwg 18507-03-3 Rev A, Proposed Toucan Crossing, received on 4 September 2024;

Ecological Impact Assessment (Produced by Ethos, issue V1, dated July 2024);
Great Crested Newt Licensed Mitigation Strategy (Produced by Ethos, issue V1, dated March 2025);
Ecological Parameters Plan (Produced by Ethos, dated 15 May 2025);
Tree Retention and Removal Plans (produced by EDP, reference edp8111_d002b (Overview and Sheets 1- 4)

6) The subsequent reserved matters application(s) (phased or otherwise) to be submitted pursuant to Condition 4 shall accord with the principles, objective and parameters set out in the Design and Access Statement (produced by Catesby Estates, Parts 1-4, Rev D, dated 24 July 2024) and the Design and Access Statement Addendum (produced by Catesby Estates, Rev C, dated 6 March 2025) to ensure a high standard of design and placemaking is achieved at detailed design stage and shall include an acoustic design scheme for protecting the proposed dwellings from external (traffic) noise.

7) The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:

- Plan to deliver a contiguous carriageway network to reduce the need for large vehicle turning areas.
- Provide refuse collection vehicle tracking and walking distances to collection points.
- Provide full details of pedestrian realm infrastructure and the means to identify priority and continuity across side roads and where routes cross the spine road.
- Provide full details of Public Rights of Way treatment, including construction and surfacing materials where appropriate and any diversions/stopping up.
- Provide an access and movement plan illustrating dedicated walking and cycling routes, construction, geometry and connectivity with external networks.
- Provide full details of Shared Surface streets and transitions, including geometry details and material treatment
- Provide full details for the on-street landscaping.
- Provide details on speed restraint measures to reduce on-site traffic speeds to 20mph or lower.

With the aforesaid requirements for any given phase to be submitted to and approved in writing by the Local Planning Authority before any on site works commence. Following receipt of written approval, the work shall be delivered in full accordance with the phasing plan.

8) A detailed housing mix strategy, including the number and size of dwelling units shall be submitted as part of the reserved matters application(s) (phased or otherwise). The development shall be carried out in accordance with the approved housing mix.

9) A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the housing development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, water efficiency, electric

vehicle charging points, cycle parking, and sustainable transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

10) No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

11) No development shall commence on site until:

a) A Written Programme of archaeological investigations is submitted to, and approved in writing by, the Local Planning Authority. This programme will include archaeological Strip, Map and Record (SMR) excavations covering the locations of evaluation trenches 5, 6, 7, 8 and 9 in Field 1(field numbers as defined by the evaluation report of January 2025) and trenches 33, 35, 36, 43, 44, 45, 50, 51, 53, 55, 56 and 57 in Field 4, as well as an open area excavation site in Field 2, covering locations of evaluation trenches 19, 20, 22, 24, 26, 27, 28, 29 and 30. The written programme should include all on-site work and off-site work, including the analysis, publishing and archiving of the results; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details between the calendar months of April and September.

The excavations and required works are to be undertaken by qualified archaeologists following the standards and guidelines for Sites and Monuments Records and open area excavations, as set out by the Chartered Institute for Archaeologists (CIfA).

12) No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.
- Providing drainage calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100-year return period storm events. Large attenuation features shall achieve a minimum of 300mm freeboard above the 1 in 100 year + 45% climate change water level.
- Confirmation that there is sufficient attenuation on site to fully attenuate the 1 in 100 years plus climate change storm event.

- Full labelled drawings for the proposed drainage layout, including layout plans to show the pipe network and attenuation ponds, which should correspond with the drainage calculations.
- Cross sections and design details for all attenuation ponds and their components.
- Confirmation that all development and SuDs attenuation areas are located outside the current and future flood extents.
- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.
- Construction phasing plan.

The development shall then be carried out in accordance with the approved details.

No housing shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

13) No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

14) No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

i. The movement of construction vehicles;
ii. The parking of vehicles of site operatives and visitors;
iii. The cutting or other processing of building materials on site;
iv. Wheel washing and vehicle wash down facilities;
v. The transportation and storage of waste and building materials;
vi. The storage of plant and materials used in constructing the development;
vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
viii. Measures to control the emission of dust and dirt during construction;
ix. A scheme for recycling/disposing of waste resulting from demolition and construction works;
x. Measures for the protection of the natural environment;
xi. Pre-condition photo survey of local roads and highway infrastructure;
xii. Large Vehicle Routing plan;
xiii. Traffic Management Plan (including signage drawing(s));
xiv. Number (daily/weekly) and size of delivery vehicles;
xv. Number of staff vehicle movements;
xvi. Details of temporary/permanent Traffic Regulation Orders;
xvii. Construction phasing plan;
xviii. The recycling of waste materials (if any);
xix. The loading and unloading of equipment and materials;
xx. The location and use of generators and temporary site accommodation;

xxi. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts;
xxii. Hours of construction, including deliveries;
xxiii. Hours of Operation (8am to 6pm Mon – Fri, 8am – 1pm Sat, no working on Sundays or Bank Holidays)

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

15) No development shall commence on each phase of the development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to the following, and the development shall be carried out in strict accordance with the approved CEMP:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;

b. Working method statements for protected/priority species, such as bats, nesting birds, riparian mammals and reptiles;

c. Mitigation strategies for great crested newts and badger – this should comprise the preconstruction/construction related elements of strategies only;

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;

e. No external night-time works or use of artificial lighting during the construction phase;

f. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals;

g. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

16) No site clearance or development shall commence on each phase of the development hereby approved until a Landscape and Ecology Management

Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

i. An Ecological Enhancement Plan showing:

a. The location, number and type of features for wildlife in accordance with Paragraph 7.2.1 of the Ecological Impact Assessment.

b. Locations of fence gaps for hedgehogs.

c. The location, type and extent of exclusion measures (e.g. fencing) to protect sensitive ecological features i.e., great crested newt breeding pond.

d. Identification of the habitats to be created/enhanced and managed specifically for the benefit of target species i.e. great crested newt.

ii. Long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature shown on the Ecological Enhancement Plan.

iii. The mechanism for monitoring success of the management prescriptions and a procedure for review and necessary adaptive management in order to attain targets.

iv. Details of the mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

17) No site clearance or development shall commence on each phase of the development hereby approved until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan, has been submitted to and agreed in writing with the Local Planning Authority. The HMMP shall include:

1. A non-technical summary;

2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;

3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;

4. The management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and

5. The monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation, and corresponding post-intervention Habitat Map), which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period.

6. A timetable for the delivery of the habitation creation enhancement works

The created and/or enhanced habitat shall be managed and maintained in accordance with the agreed HMMP at all times thereafter.

18) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the northern access have been submitted to and approved in writing by the Local Planning Authority.

The construction details shall take into consideration planned and delivered pedestrian infrastructure in the vicinity of the junction, including necessary carriageway surface treatments, and shall incorporate details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling served from the northern access, the northern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

19) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the southern access facilities have been submitted to and approved by the Local Planning Authority. The construction details shall include details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit. Prior to first occupation of any dwelling served from the southern access, the southern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

20) No works shall commence (except for site enabling or site clearance operations) on site until full details of all internal estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works (or during which phase) shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

21) The internal estate roads, including footpaths and turning spaces where necessary, shall be constructed so as to ensure that before that phase is occupied, each dwelling shall be provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

22) No development shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

23) No development shall commence above ground floor slab level until full construction details of the proposed toucan crossing and bus stop and shelter provision have been submitted to and approved in writing by the Local Planning Authority. The construction details shall include but not be limited to all necessary surface treatments to accommodate the crossing, shelter and real time information specification and orientation of bus stops to maximise pedestrian crossing visibility.

The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling, the Toucan Crossing and Bus Stop/Shelter provision shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

24) No development shall commence above ground floor slab level until full design and construction details of an extension of the existing shared walking and cycling facility along the eastern side of Eastern Way linking the existing facility to the south with Bridleway MELW41 in the north have been submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the 150th dwelling, the shared walking and cycling facility shall be provided in all respects in accordance with the approved details and maintained as such thereafter.

25) All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 'Bats and artificial lighting at night', issued by the Bat Conservation Trust and Institution of Lighting Professionals and shall demonstrate that bat habitat (trees with bat roost potential, Clacker's Brook river corridor and hedgerows) on the perimeter of the site shall remain below 0.5 lux (or no higher than existing.

26) The Reserved Matters application(s) (phased or otherwise) shall be accompanied by an updated mitigation strategy For Great Crested Newt and Badger. The mitigation strategies shall be informed by up-to-date surveys where required.

27) The site for the Community Use/Building, as shown on the Development Parameter Plan Reference AI14h, shall be delivered by the occupation of the 200th dwelling, in accordance with details and a specification to be submitted to and approved in writing by the Local Planning Authority.

END.

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix G

Buntingford Appeal Decision

Planning Inspectorate

Appeal Decision

Inquiry held 8-11 September 2026, 15 September 2026 and 18 September 2026

Site visits made on 1 July 2026, 7 September 2026 and 14 September 2026

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2026

Appeal Reference: 6008238
Land North of A507, West of A10, Buntingford, SG9 9ER

- 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 Hallam Land Management Limited against the decision of East Hertfordshire District Council.
- The application reference is 3/24/0966/OUT.
- The development proposed is an outline planning application for development of up to 600 dwellings (C3), up to 60 units of elderly accommodation (C3), a mixed-use local centre (including flexible use E and F), first school, informal and formal open space, associated works and infrastructure including a new access from the A507 and bridges over the A10, with all matters reserved except access.

Decision

1. The appeal is allowed and outline planning permission is granted for development of up to 600 dwellings (C3), up to 60 units of elderly accommodation (C3), a mixed-use local centre (including flexible use E and F), first school, informal and formal open space, associated works and infrastructure including a new access from the A507 and bridges over the A10, with all matters reserved except access, at Land North of A507, West of A10, Buntingford, SG9 9ER, in accordance with application reference 3/24/0966/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. A case management conference was held with the main parties on 17 June 2026. This was to discuss only procedural matters.

3. A revised National Planning Policy Framework was published on 17 August 2026 (the Framework). It is a material consideration of *'critical importance'* in decision making terms. The main parties were afforded the opportunity to provide written comments about the implications of the Framework in respect of their appeal positions prior to the opening of the inquiry. In reaching my decision, I have considered all written comments received as well as the aural comments made at the inquiry.

4. It has been drawn to my attention that a separate planning application for employment development (planning application 3/24/1255/OUT) has been submitted on land to the south of the appeal site. This is the subject of a separate appeal to be considered by another Inspector in due course. I have determined this appeal on the basis that such nearby land does not have a planning permission in place for its development.

5. The description of the proposed development in the banner heading above was agreed by the main parties at the inquiry. This differs from the agreed position of the main parties prior to the inquiry commencing in so far that it correctly refers to 'bridges' over the A10, as distinct from just 'pedestrian bridges' over the A10. This is because the proposal includes a bridge over the A10 which would be used by cyclists. It also omits reference to 'sui generis' uses in respect of the mixed-use local centre because that is not precise and, if approved, could in principle approve harmful or inappropriate development.

6. The proposed development has been screened on behalf of the Secretary of State under section 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It has been concluded that the development is not Environmental Impact Assessment development.

7. A completed planning obligation made under section 106 of the Town and Country Planning Act 1990 (as amended) accompanies this appeal. It was executed on 23 September 2026. If outline planning permission is approved, it will take effect.

Main Issues

8. The main issues for consideration are:

   (i) whether the proposed toucan crossing to be provided at grade level over the A10 would be safe, the acceptability of proposed speed limit reductions on the A10, the extent to which the site would be capable of delivering safe access and route connections for all users in accordance with an acceptable Road Safety Audit, and whether the proposed access from the A507 would be suitable and safe;

   (ii) whether the development would be in a sustainable location with convenient access by all to a choice of sustainable modes of transport including socially safe and quality pedestrian and cycling routes to reach day to day amenities, facilities and services, including employment and food/comparison shopping facilities further afield, and the extent to which the proposed cycle and pedestrian route connections and bus improvements would make a suitable modal shift towards reducing car usage;

   (iii) the effect of the proposal on the character and appearance of the area including landscape character;

   (iv) whether the proposal would provide the necessary infrastructure to make the development acceptable including affordable housing, custom/self-build housing, active travel provisions, education, and public transport provisions, and;

   (v) given policy S5 of the Framework, (a) if the development proposal falls within one of the categories in such a policy whether the benefits of the proposal would be substantially outweighed by any adverse effects when assessed against the national decision-making policies, and b) if the development proposal does not fall within one of the categories in such a policy, whether exceptionally the benefits of the proposal would substantially outweigh any adverse effects, including any possible adverse

effects on the character of the countryside and in relation to promoting sustainable patterns of movement.

Reasons

Proposal

9. The proposal is submitted in outline with all detailed matters reserved for subsequent consideration apart from access. The application site is just over 50 hectares. An indicative masterplan accompanies the application, and I have considered this from the point of view of considering the planning merits of the proposal in land use principle terms.

10. Up to 600 dwellinghouses are proposed of which 240 (40%) would be affordable and 1% would be made available for custom and self-build purposes. Based on the appellant's building heights parameters plan in its Design Principles Document dated May 2025, identified lower slopes would have buildings up to 12.5 metres in height and identified upper slopes would have buildings up to 10.0 metres. The proposal would also include an element of elderly accommodation (60 units) as well as a mixed-use local centre and community hub (0.53 hectares). A 2-form entry first school is proposed as well as green infrastructure totalling some 24.67 hectares including also the provision of a country park.

11. Access into the site would be off the A507 Baldock Road to the south and off Throcking Lane to the north. Active travel improvements are proposed on the A507, including provision of a shared use footway/cycleway from the site towards the town centre of Buntingford. A new active travel bridge would be constructed adjacent to the existing pedestrian bridge over the A10 linking public rights of way 36 and 40 where improved lighting would be in place. A new pedestrian bridge would be provided over the A10 which would connect public rights of way 41 and 35 and hence links into the town.

12. It is proposed that two 'mobility hubs' would be provided on the site with one located in the local centre and with a bus stop (including shelter). The mobility hubs would include pedestrian and cycle facilities, charging facilities, and real time bus information boards. The appellant's bus strategy is for bus services 18, 331 and 386 (now 37) to connect directly into the site. Such provision would be enabled by means of a financial contribution which would allow bus service 331 to be delivered at a 30-minute frequency with further complimentary service provided by bus services 18 and 386 (now 37). A further contribution of £500 per dwelling is proposed for the Buntingford Community Transport Scheme.

13. Existing trees and hedgerows would be retained, unless necessary to be removed to enable development, and new planting and wildlife areas would be provided. The appellant's evidence indicates a biodiversity net gain of 11.22%.

Land use principle - Development Plan and the Framework

14. There is no dispute between the parties that the appeal site falls outside the settlement of Buntingford. I have applied the definition of a settlement in Annex B of the Framework and taken the settlement of Buntingford to be that which is shown by way of a settlement boundary in the East Hertfordshire District Plan 2018 (LP). In this regard, the settlement boundary for Buntingford is for the most part up to and/or close to the eastern edge of the A10.

15. The main parties agreed at the inquiry that the proposal would not lead to the provision of isolated homes in the countryside and hence that national decision-making policy HO11 of the Framework was not applicable in this case. On the evidence that is before me, I do not disagree with these common ground positions.

16. As the appeal site falls outside of the settlement of Buntingford, it is necessary that I determine the acceptability of the principle of the development against national decision-making policy S5 of the Framework. It states that only certain forms of development should be approved outside settlements, as set out in a list, and that proposed 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'.*

17. In this case, the main parties agree that the proposal should be considered specifically against policy S5(1)(j) of the Framework. In principle, this permits development outside a settlement where it 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 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'.*

18. There is no dispute between the main parties that the Council cannot demonstrate a deliverable five-year supply of housing sites. The appellant says that the supply is 2.21 years, and the Council says that it is 2.88 years. I have determined this appeal based on a housing land undersupply range of between 2.21 years and 2.88 years, and for the purpose of my final balance and conclusion below, have opted for the Council's best-case scenario of 2.88 years. The housing aspect of the proposed development is sufficient to satisfy national decision-making policy S5(j) from the point of view of *'addressing an evidenced unmet need'* for housing. I deal with the other aspects of the proposed development later in my decision and from the point of view of the consideration of general benefits in the overall planning balance.

19. I concur with the common ground position of the main parties that the development would be of a scale that could be accommodated considering the existing and proposed availability of infrastructure (see my findings relating to the completed planning obligation later in this decision). In this regard, the proposal also satisfies national decision-making policy S5(j) of the Framework.

20. In respect of the above policy, the principal issue in dispute between the main parties relates to whether the proposed development would be *'physically well related'* to the settlement of Buntingford. In terms of this matter, I have considered all the comments made at both the inquiry and in terms of the written correspondence received.

21. In my judgement, the proposed development would be seen as being physically well related to the settlement of Buntingford owing to existing and proposed bridges and other transport connections (including active travel links and proposed toucan crossing on the A10 which I later conclude are acceptable in all respects); the intervisibility between the site and existing residential/other development close to and off Neale Drive (including also some consented development that has not been

built out); the fact that there is no intervening countryside between the settlement edge and the proposed development; the proximity of Buntingford Business Park (where the roofs of such development can be seen from parts of the appeal site); the site's existing association with the adjacent proposed employment allocation (accepting that this is yet to be developed); the promotion of sustainable patterns of movement between the site and the settlement utilising roads, paths and services; the avoidance of isolated development; and the overall close proximity of the development to the edge of the existing settlement of Buntingford as defined by its boundary in the LP.

22. I acknowledge that the A10 does physically separate the appeal site from land immediately to the east of it and which falls within the defined settlement boundary. Even accounting for the view expressed by the Council's landscape witness that the A10 is of itself a *'landscape break'*, there is common ground that the site is adjacent to the settlement of Buntingford. It is noteworthy that large parts of the A10 which are close to the appeal site are confined to land within a cutting. Hence, it is my judgement that in this location it constitutes a soft connection bridging the settlement of Buntingford with the proposed development rather than being perceived as being a hard boundary, or a prominent landscape break.

23. I acknowledge that in respect of historic planning decisions, a view has generally been taken that, overall, the A10 represents a physical barrier to the settlement of Buntingford. That may be the case, but the point is that policy S5(j) does, in principle, permit development proposals outside of settlements and, in this case, subject to such development being physically well related to the settlement of Buntingford.

24. The A10 is not very wide as it passes the appeal site: it is not four lanes and a verge as can be seen along other parts of the A10 further afield. Part of it is experienced as being visually within a cutting. When travelling along part of the A10 and near to the appeal site (e.g., just after or before Neale Drive), the motorist is obliquely aware of existing residential development. Such development is also experienced from parts of public rights of way (PROW) Nos. 40 and 41. I also consider that owing to the proximity of the appeal site to the defined settlement boundary, the overall pattern of development within the locality, land topography, and the presence of existing and proposed urban influences, the proposed development would be physically well related to the settlement of Buntingford for the purposes of applying national decision-making policy S5(j) of the Framework.

25. I turn now to consider the principle of the proposal against development plan policies. The appeal site is within an area designated as a 'Rural Area Beyond the Green Belt' in the adopted LP. There is no dispute between the main parties that the proposal does not accord with policies DPS2 and GBR2 of the DP. The former seeks to direct development in accordance with a hierarchy and the latter permits specified development types. The proposal does not meet any of the requirements of the hierarchy and does not meet any of the specified development types for the 'Rural Area Beyond the Green Belt'. Therefore, I conclude that the proposal would conflict with the requirements of policies DPS2 and GBR2 of the LP.

26. Moreover, the proposal does not accord with the requirements of policy HD1 of the 2017 Buntingford Community Area Neighbourhood Plan 2014-2031 (NP) which states that where development schemes are consistent with policies HD2 to HD7 of the NP, they '*will be permitted in the form of small scale infill development within*

or immediately adjoining significant clusters of development; affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way; development for which there is a demonstrable need for a location in the countryside. The need for this policy to be updated will be assessed when the emerging District Plan has been adopted and the strategic context in terms of the scale of new housing development has been determined'.

27. The proposal is not a small-scale infill development. While the site is adjacent to Buntingford Business Park and an employment allocation (identified under policy BUNT3 of the LP), it is not in my judgement adjoining a 'significant' cluster of existing development. It does not comprise affordable housing on a rural exception site. I therefore conclude that the proposal would conflict with policy HD1 of the NP. I emphasise, however, that the NP was adopted in 2017 and therefore it is more than five years old. Therefore, national decision-making policy S6 of the Framework is not applicable in this case.

28. The above development plan policies are placing a constraint on the delivery of houses in the context that the Council cannot demonstrate a five-year supply of deliverable housing sites. The spatial housing strategy as contained with the adopted development plan for the area relates to a housing requirement which is materially different to the one that is in place now. Moreover, such policies are materially inconsistent with national decision-making policy S5 which relates to the principle of development outside settlements, including housing development.

29. It is noteworthy that Annex A, paragraph 2 of the Framework states that *'development plan policies (or parts of those policies) which are materially inconsistent with national-decision making policies in this Framework should be given very limited weight'*. I afford the above development plan policies limited adverse weight in decision making terms because they materially conflict with national decision-making policy S5. The development plan for the area does not accord with the requirements of Plan-making policy HO3 of the Framework because it does not seek to ensure that a sufficient supply and mix of housing sites is identified to meet the most up to date housing requirement for the area.

30. Given that there is at least an agreed housing land supply range amongst the main parties, it has not been necessary in this case for me to reach a detailed finding about the actual housing land supply position. Either way, I agree with the position of the main parties that substantial positive weight should be afforded to the proposed delivery of dwellinghouses on the land. In the context of national decision-making policy HO7, and the very significant undersupply position, I afford the delivery of a significant number of dwellinghouses on the site substantial positive weight.

31. For the above reasons, I conclude that the housing led proposal does amount to a form of development that can in principle be approved in this location as it accords with the criteria in national-decision making policy S5(j) of the Framework. I afford national-decision making policy S5(j), as recent national planning policy, more weight as a material planning consideration than the above development plan policies to which I afford only limited weight in decision making terms.

32. Consequently, I conclude that the proposal would be acceptable in principle subject to satisfying the additional requirement of national decision-making policy S5 which is that it '*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'. I deal with this as part of my overall planning balance.

Highway safety

33. There is no dispute between the parties that the proposed accesses into and out of the site from Baldock Road and from Throcking Lane would be safe and that the surrounding road network has capacity to accommodate the additional vehicles associated with the development. Moreover, the main parties consider that the appeal site could be developed in such a way that suitable road and car parking infrastructure could be provided on-site and in conjunction with the provision of bus service infrastructure and walking and cycling routes. I have no reason to disagree with these common ground positions, and, in this regard, the proposed access details are acceptable.

34. The primary issues of concern between the Highway Authority/Local Planning Authority and the appellant relate to whether the evidence indicates that the proposed toucan crossing with a new 40 mph zone would be safe for cyclists, wheelers and pedestrians alike taking into account vehicular speeds; likely driver behaviour relating to the character of the environment and particularly from a speed point of view; whether a toucan crossing on the A10 could be provided without vehicles queuing back to the roundabout when travelling in a northbound direction; whether motorists using the A10 would likely mistake a green light at the toucan crossing as meaning that it related to a signalised roundabout and hence that it was safe to enter the Baldock roundabout without giving way; and the extent to which the proposed toucan crossing would be acceptable and safe in respect of its staggered arrangement and its central island as a space to be shared between pedestrians, wheelers and cyclists alike.

35. In considering the above matters, I have considered the appellant's two options relating to the location/design of the toucan crossing ('option 1' drawing No. 23161 0046 P2 or 'option 2' drawing No. 23161 043 P2). I have also considered the various local and national guidance relating to the provision of toucan crossings as outlined by the main parties. In some respects, they are conflicting, although it is fair to say that when the technical guidance is considered as a whole, it does not normally support shared and staggered toucan crossings.

36. Notwithstanding the above, I do not consider that there is an automatic prohibition in terms of the provision of a shared staggered toucan crossing in this location and where a 40mph limit is being proposed. Indeed, LTN 1/20 authorises the use of a signalised crossing such as those which I am asked to consider for speed limits up to and including 50mph. It is noteworthy that there was no specific objection in principle to the provision of a shared staggered toucan crossing over the A10 (i.e., close to the Baldock roundabout) from the point of view of the completed independent Road Safety Audits (RSA).

37. I find that a shared toucan crossing within a 40mph zone is acceptable in principle on this part of the A10. While the highway safety witness representing the Highway Authority raised some criticism of the appellant's speed survey (a 57m set back from the roundabout) in terms of it not being conducted on two separate months, I am nonetheless satisfied that in this case the data can reasonably be relied upon as an indicator of average 85th percentile speeds, i.e. about 30 mph in the given

speed measurement locations. I find that the 85th percentile speed rating is acceptable from the point of view of the consideration of the suitability of the proposed 40mph zone. In considering this matter it is noteworthy that there is significant visibility of the proposed signals from the southbound A10 and there is comfort in the measurements between the circa 30mph 85th percentile speed and the 50mph speed limit at which LTN 1/20 would support a signalised crossing.

38. I do accept that the speed survey findings should not only be relied on when considering the acceptability of the proposed toucan crossing. Other evaluation criteria should be considered which I consider later. While the highway safety witness representing the Highway Authority indicated a preference to see traffic speed data taken from further along the A10 (perhaps up to Neale Drive), I am nonetheless persuaded that in this case the speed survey undertaken by the appellant is sufficiently robust. Indeed, I concur with the appellant's highway safety witness that traffic speeds nearer to the Baldock Road roundabout were always likely to be relatively low because motorists would need to be slowing down for it or because they were just leaving it. This is indeed something that I witnessed on my site visits, albeit that they were snap shots in time. In other words, it is my judgement that the roundabout itself seeks to slow vehicles down.

39. At the inquiry there was much discussion about whether drivers would abide by the new 40mph limit. The view of the Council and Highway Authority was that drivers would not always slow down because there would not be a change in the character of the road environment on the A10. Indeed, it was stated by the Council's highway safety witness that drivers would not have had to give way for several miles when travelling on the A10 from Royston.

40. I do not agree with the claim made that the character of the A10 would not be different between Neale Drive and the Baldock roundabout. The A10 at this point is straight and there is very good forward visibility. The Baldock Road roundabout already represents a change and a visual break for drivers. Moreover, new signalling infrastructure would be visible to drivers. In addition, road markings, signage, a change in road surface etc could be provided along the A10 and would be capable of being addressed as part of a planning condition.

41. In conjunction with the above, it is my judgement that the Neale Drive and Throcking Lane junctions do already alert drivers to some extent that there is some change in the character of the environment. Moreover, motorists travelling in a southbound direction are already aware, albeit at an oblique angle, to the existing of dwellinghouses off Neale Drive and it is noteworthy that additional consented residential development in this area is yet to be built out.

42. This is an outline application, but it is the case that the master plan proposals for the site do show areas of landscaping (including sustainable urban drainage) on land immediately fronting the A10. However, I find that even accounting for the indicative planting reaching maturity, it is likely that there would at least be some glimpses of buildings, structures and lighting on rising land and which would be apparent to passing motorists.

43. Even if one were to disagree with me on the above point, it is not in any event determinative. This is because the other matters addressed above, coupled with the provision of new bridges over the A10, are sufficient in my judgement for me to conclude that motorists would perceive that there was a material change in the

character of the A10 from Neale Drive to the Baldock roundabout. Consequently, I find that southbound motorists would adjust their speed to be in accordance with the proposed 40mph speed limit.

44. In respect of northbound traffic, the evidence is that the 85 percentile traffic speeds are already below 40mph. However, to ensure that queuing is avoided, which could impact on the flow of the roundabout, I consider that the option 2 toucan crossing proposal offers, on balance, the best highway safety and active travel solution. This proposal has a greater set back distance from the roundabout and, in my judgement would suitably ensure broad accordance with technical guidance.

45. At the inquiry, the Council's witness raised some concern about the toucan crossing being set back further away from Baldock Road from the point of view of cyclists, wheelers or pedestrians potentially circumventing it to the detriment of highway safety. I am not persuaded that this would be a common occurrence and, in any event, some form of hard landscaping feature (e.g., railings) could be put in place to prevent such unsafe crossings from happening. There is no objective evidence before me to suggest that people would seek to climb over railings. There is scope for this to be addressed as part of the agreed conditions.

46. While it is the case that local and national technical guidance does generally suggest that shared and staggered toucan islands should normally be avoided, I find that based on forecasted cycling and pedestrian trips (AM and PM peak times) arising from the development, the proposed central refuge/island would be large enough (i.e., that shown in the option 2 drawing) to accommodate shared use and without unacceptable conflict between cyclists, wheelers and pedestrians within it. A staggered toucan crossing would be appropriate in this location in so far as it would suitably balance the needs of cyclists, wheelers and pedestrians while minimising the potential for traffic back-ups or tailbacks within the highway network, including the Baldock roundabout.

47. I note the concern raised by the Council about the width of the toucan crossing island (option 2) from the point of view of part of it being 3.0 metres wide. I deal with this matter as part of the sustainable transport main issue below (an interrelated matter) and conclude that it would be safe and would be acceptable from an active travel point of view.

48. In this case, and notwithstanding the views expressed by the Council's highway safety witness, I consider that it would be appropriate to have guard rails in place in respect of the proposed toucan crossing. This would address some of the concerns raised by the Council's highway safety witness (representing also the Highway Authority) who raised the point about pedestrians potentially stepping out into the road. It is my judgement that in this environment (i.e., a relatively busy 'A' road which distributes traffic from the north to the south of the district and vice versa), most users would find that the provision of guard rails made them feel safer. Indeed, the guard rails would give all users the feeling of some protection from traffic flows as they waited to cross to the other side of the toucan crossing.

49. In this case, and notwithstanding the views expressed by the Council's highway safety witness, I am of the view that the provision of guard rails would therefore be likely to encourage more use of the proposed toucan crossing. It is also noteworthy that under cross examination, the Council's highway safety witness commented

that they can *'occasionally be useful, but it is rare'*. This at least indicates to me that such a witness was not saying that they could never be acceptable.

50. Moreover, with traffic markers, signage and potentially a change of road surface (including a polish stone value assessment) as part of the detailed planning stage, I am satisfied that motorists would be alive to the fact that the speed limit had changed within the A10 (i.e. to 40mph). These are final detailed matters that could be secured as part of a planning condition. In my judgement, it would be appropriate to introduce the 40mph limit on the A10 from just north of Neale Drive.

51. On the evidence that is before me, I consider that motorists would slow down to safe speeds prior to reaching the toucan crossing and, as is common on many highways now (including motorways), motorists would be alive to the fact that there would be variable speed limits on this part of the A10. If it was subsequently found that motorists were not obeying the proposed 40mph speed limits, there are of course separate law enforcement measures to deal with this. However, I do not find that there is any objective evidence to support the contention that such law enforcement measures would likely be necessary.

52. I do not find that with the provision of the above measures it would be the case that motorists, whether familiar or not with the area, would interpret a potentially 'constant green light' associated with the proposed toucan crossing as either meaning that it related to the roundabout junction and that they could proceed without giving way, or that they would opt to ignore red lights. With a reasonable separation distance between the toucan crossing and the roundabout (i.e. the position as broadly shown on the option 2 toucan crossing drawing), coupled with suitable signage before the roundabout (give way etc), the proposal would be capable of mitigating any possible risks and conflicts in terms of the safe use of roundabout. In respect of the phasing and timing of the traffic lights (even if not in use), this is a matter that could be considered more fully as part of future road safety audit stages and as part of the s.278 agreement process.

53. In reaching the above finding, I have considered 85th percentile speed data provided by the appellant. I find that this presents an acceptable/robust basis for concluding that existing traffic speeds are acceptable within the vicinity of the proposed toucan crossing. At this point, the evidence indicates that even without a toucan crossing motorists are slowing down for the roundabout. I noticed this on my site visits although I do acknowledge that they were only snap shots in time.

54. At the inquiry, concern was raised by a local resident in Throcking about the potential for the A507 (Baldock Road) to be closed when the proposed new roundabout was being constructed. I acknowledge the concern raised given the nature and width of the roads running though Throcking and the consequent effect that diverted traffic and/or heavy goods vehicles could have on this village. It need not, however, be the case that the A507 (Baldock Road) would have to be fully closed when the new roundabout giving access into the appeal site was being built. It is often the case that a new roundabout can be built out in phases, thereby keeping sections of an existing road still open and without the need to divert traffic.

55. The above is not therefore a matter that justifies refusal of planning permission. It is a matter that can be suitably controlled by way of the submission of a construction management plan and by condition. Upon approval of such a construction management plan, it could be enforced in the event of a breach. Ultimately, the

Highway Authority would have input into a construction management plan by way of being consulted upon it once received by the Council and as part of a discharge of condition planning application. Put another way, the evidence does not lead me to conclude that in respect of this proposal the use of roads in Throcking from the point of view of either construction vehicles accessing the site and/or traffic being diverted from the A507, would necessarily have to take place, or that the proposal would result in any material harm being caused to Thistly Vale Brook.

56. Overall, and for the above, reasons, I therefore conclude that the proposal would not cause unacceptable harm to highway safety. This relates to the proposed vehicular accesses, the operation of the Baldock roundabout, the provision of a proposed toucan crossing (i.e. option 2 – see highway safety and active travel assessment below), and the proposed 40mph zones on the A10 and Baldock Road. This is of course subject to the imposition of conditions and the completed planning obligation which would control matters of detail.

57. In reaching the above conclusion, I have also considered the conclusions reached by J Bartlett Consulting Ltd in respect of the independent Road Safety Audits. Moreover, and, for the avoidance of doubt and as per the common ground position of the main parties with reference to the highways statement of common ground, I find that the evidence indicates that the proposed development would not cumulatively have a severely adverse impact on the transport network in terms of capacity and congestion, or indeed lead to *'pressure on the local highway network'.*

58. Subject to the imposition of conditions, I therefore find that the proposal would accord with the highway safety, traffic management and sustainability requirements of national decision-making policy TR6 of the Framework, and policies TRA1 and TRA2 of the LP, all of which are consistent with one another.

Whether a sustainable/accessible location

59. There is no dispute between the main parties that the proposal would ensure that it was possible to walk or cycle to day-to-day amenities and services in the centre of Buntingford (all within 2 km of the centre of the appeal site) and based on the indicative active travel improvements within and outside the site and the proposed bridges over the A10. The 2 km distances would be possible if cyclists or pedestrians were to use any of the proposed active travel routes.

60. There is also no dispute between the parties that excluding driving, the appeal site has a connectivity score of 45, meaning that it is 45% as well connected as the best-connected place in the country, which is a grid square within Tower Hamlets. When scored relative to areas within the same District, the appeal site falls within band B (excluding driving), on a scale from A to J, where A is the best-connected category. That indicates to me that the appeal site is already well connected from an active travel point of view. In other words, this is a very good baseline to start with when considering the proposed active travel proposals.

61. The appellant's sustainable transport witness acknowledged at the inquiry that some may decide at certain times of the day (e.g., hours of darkness), or if there was inclement weather, that they may want to use alternative active travel routes from the site and to the town centre/amenities (and vice versa). This is a reasonable position to take. It is noteworthy that this proposal does provide alternatives in terms of active travel options for those that would visit and occupy the proposed development.

62. Several measures are proposed to facilitate access and connectivity to and from the appeal site including a new vehicle main access junction to the site from the A507 Baldock Road with a footway/cycleway. Vehicular access is also proposed from Throcking Lane.

63. There would be a toucan crossing over the A10 leading to a shared pedestrian/cycling route within Baldock Road which would stretch to the east and towards the town centre. There would be additional financial contributions in the completed planning obligation which would be used to make sustainable transport improvements to Bowling Green Lane and Monks Close.

64. At this point, it is worth me emphasising that some of the active travel improvements would also be of benefit to existing members of the local community (and visitors alike), as well as to those who travel on foot or bicycle to Buntingford Business Park.

65. It is also noteworthy that some additional employment units have recently been approved within the Buntingford Business Park complex (i.e., an extension to existing provision) and there is in principle support through the allocation for the building out of more employment development adjacent to the appeal site. In other words, it is reasonable that I conclude that the proposals would have at least some in principle potential for reducing car journeys relating to visits to and from Buntingford Business Park and the adjacent employment allocation.

66. In addition to the above, improvements are proposed to Public Right of Way 36 in the form of a widened, better surfaced and lit footpath. At the inquiry, the appellant's sustainable travel witness indicated that the provision of an 'up to' 3.0 metre width footpath would also have the potential to be used at a future date as a shared pedestrian/cycle route, and in accordance with the existing aspirations of the Hertfordshire Rights of Way Improvement Plan (2017/18-2027/2028). However, it was made clear, and not disputed by the Council, that the Highway Authority felt that it could not permit a change in the legal status of PROW 36 at this moment in time. I deal with this matter later.

67. Finally, it is also proposed to improve footpath connectivity in respect of the widening and lighting of PROW 35 to the east of the site and via a new footbridge over the A10 (with steps) leading to the north eastern part of the appeal site (PROW 41). This bridge would replace the existing at grade crossing over the A10 between the appeal site and PROW 35. The new bridge would represent an enhancement to PROW 35 and its safe connectivity to the appeal site.

68. The point of dispute between the main parties relates to whether the proposed residents of the site would seek to use the walking and cycling links from the site and to the centre of Buntingford. The Council's view is that given the routes that residents would have to use, they would not be attractive or feel safe. It is stated that this would particularly be the case at night and where there is a claimed lack of surveillance from existing development. Consequently, the Council's view is that the private motor vehicle would be used for most journeys as distinct from walking and cycling.

69. The appellant disputes the above claims and is of the view that the proposed active travel improvements would be safe and feel safe and would have the effect of materially reducing the number of car journeys in association with the proposed development. Moreover, the appellant points out that it is proposed that the site

would include some on-site facilities such as a mixed-use local centre, sports/recreation facilities and a country park. The latter would encourage more sustainable patterns of movement and would seek to reduce reliance on the private motor vehicle.

70. In respect of proposed footpath links, I am satisfied that the appellant has suitably explored all reasonable options and has sought to prioritise pedestrians in terms of the design strategy for the scheme. Good on-site links could be secured at reserved matters stage in conjunction with the consideration of layout matters. Moreover, I find that the provision of bus services and infrastructure within the site would enable convenient access to and from the site to the town centre, as well as to nearby towns where there is additional choice in terms of employment, shopping or other leisure opportunities. This would constitute a realistic and sustainable choice for residents in terms of not using the car for such journeys.

71. At the inquiry, there was much discussion about whether the proposal would be acceptable in terms of making provision for cyclists from an active travel point of view. Concern was raised by the Council's sustainable transport witness about the fact that cyclists using the new active travel bridge over the A10 would have to turn right into Skipps Meadows where there is a hard surfaced 'alleyway' of about 1.8 metres in width and where it would be necessary for cyclists to dismount. The view expressed was that cyclists would be unlikely to dismount at this point and that sharing this route with pedestrians would lead to conflicts. Moreover, it was claimed that this was an area which felt vulnerable.

72. I do agree that it would be ideal if cyclists could continue down PROW 36 as a shared pedestrian and cycle route. Based on the appellant's evidence, it does appear that there may be enough land to achieve this aim should the Highway Authority decide that it is prepared to permit a change in its legal status, and that there is final and sufficient legal certainty that all the land is within public control as distinct from in the ownership of a private party. However, in the absence of the Highway Authority confirming that it is in a position to allow a change in the legal status of PROW 36 to permit also its use by cyclists, I am satisfied that the appellant has done as much as it could to explore and prioritise cycling provision along this route.

73. In the context of the above, and while the route via Skipps Meadow would not reach the level of being perfect because cyclists would have to dismount, I emphasise that this would only be for a very short distance. On balance, I consider that cyclists would look to dismount and that the link would be acceptable, convenient and safe for cyclists and pedestrians alike. I accept that this may be minor annoyance for some but nonetheless do not find that it would be a disincentive from a regular use point of view. My findings are also reached in the context of the matter pertaining to PROW 36, by the fact that the 'alleyway' is lit in the form of a street lamp, and because Skipps Meadow is traffic calmed. I also emphasise that that those using a cycle adapted to their needs and with a disability, would be able to lawfully use PROW 36 (and other footpaths) in accordance with section 20 of the Chronically Sick and Disabled Persons Act 1970.

74. I experienced on my site visits that traffic was light in Skipps Meadow. This route would link into a new shared pedestrian and cycling route in Baldock Road and with convenient access to many amenities, services and facilities in Buntingford

and within 2km of the site. While the Framework refers to 800 metres or a 10 minutes' walk time to railway stations as being a *'reasonable walking distance'*, this is in the context of considering proposals against specific proposals around well-connected railways stations. This appeal does not relate to such a proposal.

75. While Manual for Streets states that *'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot'* it goes on to say that '*this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km'*. In this case, I am satisfied that the walking routes to the many amenities and services in Buntingford (i.e., less than 2km) would, from a pure distance point of view, be acceptable to encourage many to travel by foot.

76. While PROW 36 is not being proposed by the appellant as a shared cycle and pedestrian route (i.e., it is proposed only as an improved footpath), it is nonetheless noteworthy that there would be a proposed active travel bridge over the A10 and to the appeal site. This includes cycling provision which is to be commended. In time, and on the evidence that is available to me including the appellant's counsel opinion, I consider that there may be a prospect of PROW 36 also becoming a cycle route. This would be in accordance with the aspirations in the Hertfordshire Public Rights of Way Improvement Plan (HPROWIP) relating to PROW 36. This would be ideal from a convenience point of view for those cyclists who wanted to reach Freeman college or other facilities towards its eastern end.

77. Notwithstanding the above, I do not find that in this case a shared cycle/pedestrian facility along the route of PROW 36 is strictly necessary to make the development proposal acceptable from an overall active travel point of view. The improvement of this route for pedestrians (including lighting) is in itself a very positive matter. While it is the case that some parts of the route have less surveillance than others, I find that many would use it on a day-to-day basis. It is also the case that improvements to this footpath (e.g., lighting and surfacing) would have benefits for those that currently use it. I do not find that it would be unsafe or feel vulnerable for most users. However, for those pedestrians that did not want to use this route at certain times of the day, it is noteworthy that there would be other options available to them in terms of conveniently (i.e., travels distances) reaching facilities, amenities and services in Buntingford.

78. At the inquiry, the Council's sustainable transport witness raised concerns about the toucan crossing from the point of view of its staggered design (requiring cyclists to turn four times), as well as to the amount of shared space that would be available within parts of the island for both cyclists, wheelers and pedestrians alike. In addition, the same witness raised some concerns about the proposed shared pedestrian/cycle route along the Baldock Road corridor both in terms of the claimed lack of surveillance to the west of the Baldock Road roundabout, and in terms of some technical matters to the east of the Baldock Road roundabout. I deal with each of these points below in turn.

79. In this case, I do not find that a staggered toucan crossing (option 2) would in principle be an unsafe option to facilitate walking or cycling across the A10. I acknowledge that a minimum of 4.0 metres is recommended for islands in paragraph 14.12 of Part 3 of Hertfordshire County Council's Place & Movement Planning and Design Guidance for Hertfordshire (P&MP&DG). However, it is my

judgement that as the proposed island widens beyond the 3.0 metres annotation on the option 2 drawing, users of the island as a whole would be sufficiently alert to the space that they had around them from the point of view of reacting, waiting and/or sharing such space as a whole.

80. In reaching this view, I have noted that 3.0 metres would be more than enough space to accommodate a typical 'maximum' length cycle of 2.8 metres and a 'maximum' typical width of 1.2 metres as identified in table 5-1 of the 2020 Department for Transport Local Transport Note 1/20 (LTN 1/20). Furthermore, I consider that very long cycles would likely take a diagonal approach to ease turning movements. I do not therefore envisage the sort of conflict as alleged by the Council's sustainable transport witness.

81. I therefore find that the option 2 toucan crossing would not cause unacceptable harm to highway safety and that it would be regularly used by all users as an active travel route. Consequently, I find that there is justification in this case for departing from the minimum island width distance as advocated in paragraph 14.12 of Part 3 of P&MP&DG.

82. It is noteworthy that the main parties have agreed a condition which requires *'general accordance'* with either the option 1 or 2 toucan crossing proposals. This means that there is a degree of flexibility or 'wiggle room' in terms of the final approval of the design of the toucan crossing. On balance, I find that toucan crossing option 2 is the preferred solution because it is set well back from the roundabout and hence would seek to avoid queuing or claimed concerns about drivers suddenly having to break. Moreover, it is my judgement that general accordance would be capable of meaning a 4.0 wide island/refuge, should the appellant or indeed the controlling authority want that option to be explored, or indeed a degree of movement in terms of the final position of toucan crossing. This is in the context that it is not disputed that there is some spare highway land to accommodate any possible 'general accordance' changes.

83. For the avoidance of doubt, and for the reasons outlined, I am satisfied that the option 2 toucan crossing would not lead to unacceptable harm being caused to highway safety. Moreover, and despite some conflict with the technical guidance, it would comprise a quality and suitably convenient active travel facility over the A10 and leading conveniently into other proposed active travel routes.

84. While parts of the shared cycle/pedestrian route to the east and west of the Baldock roundabout would not, in the words of the appellant's sustainable transport witness, be *'perfect'* in all respects from a cycling point of view, and fully in accordance with the guidance in LTN 1/20, it is noteworthy that the proposals along this route are not fully detailed at this stage. Furthermore, at the inquiry it was accepted by the Council's sustainable transport witness that several of the more minor concerns would be capable of being addressed at detailed design stage and subject to the imposition of a planning condition. It was stated that these matters were not *'showstoppers.'* I agree with that position. Moreover, LTN 1/20 permits a degree of flexibility and does not require perfection.

85. As regards the shared cycle/pedestrian route to the west of the Baldock roundabout, I do not find that the route would be unsafe or that users would have the perception of it being unsafe. The route could include lighting and other security features/permeable landscaping and hence would be likely to be well used. To this

extent, I do not find that users would likely experience it as a vulnerable, quiet or intimidating environment. It is also proposed to be a wide shared route at this point (including in part a 'buffer' from Baldock Road): the feeling of space along this part of the proposed route would assist in minimising any possible anxiety about using it. In my judgement, the absence of surveillance from surrounding buildings would not therefore prohibit regular use. Put another way, there is no reason why this active travel route could not be finally designed so that it felt safe and was safe for all users.

86. I find that the proposal to include cycle parking to the far east of the Baldock Road shared pedestrian/cycle route (i.e., close to the town centre and as shown on the submitted plans) should be secured at detailed design stage. This is so that less experienced cyclists would have the option of 'parking up' and walking into the town centre at this point, rather than transitioning into the main road with cars/other vehicles.

87. I am mindful that the completed planning obligation includes a financial contribution to make changes to Bowling Green Lane and Monks Walk. I have no reason to doubt the appellant's sustainable transport witness who commented that discussions were underway with the Highway Authority to make Bowling Green Road 20mph. This is likely to be a well-used route by residents of the proposed development. The introduction of such a speed limit would provide some positive and acceptable assistance, in safety and route attractiveness terms, for those cyclists using Bowling Green Lane which leads to education and other facilities.

88. I note the comments made by the Council about the fact that the proposed northern footbridge over the A10 would be stepped and that it would not therefore allow for access by all. This is acknowledged, but the proposal is not reliant on this bridge as the only means of connectivity to the settlement of Buntingford. There would be several other active travel links available to those occupying or visiting the site, including those that were not able bodied. Put another way, the proposed bridge to the north would seek to offer an acceptable alternative link for many residents and visitors to the appeal site, but there would be other options available to those who may have difficulties using steps.

89. I see the provision of a new northern pedestrian bridge over the A10 as a positive aspect of the proposal overall. It would represent a very significant improvement from the point of view of the at grade connectivity of the public rights of way and over the A10 which I do not consider to be safe. I am satisfied that along with the other package of on and off-site active travel proposals, it would have the effect of encouraging many to travel to Buntingford on foot. The provision of a lit environment on PROW 35 would offer a suitably safe environment for most users and, again, there would be other routes available for any pedestrian that chose not to use it.

90. I afford very positive weight to the fact that the proposal would include bus infrastructure and services within the appeal site itself. Such bus infrastructure and services would enable residents of the site conveniently to reach Buntingford by such a sustainable mode of transport, and/or to travel further afield to other towns where there is additional choice of employment, shopping and other facilities.

91. Given the above, the development would therefore offer a choice to residents and visitors of the development alike in respect of travel by sustainable modes of

transport. In my judgement, this is a further proposal that would reduce reliance on the private car. In reaching this finding, I also note there is agreement between the main parties regarding the imposition of a travel plan condition should outline planning permission be approved. This would also ensure that sustainable transport is actively encouraged, including acceptable modal shifts, in association with the proposed development.

92. In conclusion, subject to the imposition of conditions the proposed on and off-site active travel measures would be acceptable in this case. I find that the appellant has reasonably explored all opportunities to give priority to walking, wheeling and cycle movements and with access to good public transport. With the proposals in place, the location of the development would limit the need to travel by private car, and it would offer a genuine choice of sustainable, quality and safe transport modes for residents and users. Overall and subject to the imposition of conditions and the completed planning obligation, I find that the development would therefore be sustainably located and with a good choice of sustainable modes of transport.

93. Moreover, I consider that when the active travel proposals are considered as a whole, they would offer alternative routes for cyclists, wheelers and pedestrians alike. It is also noteworthy that the active travel proposals would bring forward some of the cycling route improvement aspirations as contained within both the HPROWIP and the East Herts Local Cycling and Walking Infrastructure Plan. This is therefore a positive consideration to weigh in the overall planning balance.

94. I acknowledge that in terms of the active travel proposals, they do not always reach a level of *'perfection'* from the point of view of compliance with every aspect of local and national technical guidance (including LTN 1/20). This is particularly the case in terms of some aspects of the proposed cycling infrastructure. However, an absolutists approach to the application of LTN 1/20 is not warranted when the guidance is considered as a whole. I have reached an on balance finding in terms of this main issue and conclude that in this case the proposal would suitably accord with the active travel, climate change, sustainable transport, and public rights of way requirements of national decision-making policies CC2, TR3, TR4 and TR8 of the Framework, and policy TRA1 of the LP all of which are sufficiently consistent with one another.

95. In reaching the above conclusion, I have had due regard to the public sector quality duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I note the concern raised by the Council's active travel witness in respect of the use of shared cycle/pedestrian routes by those who are visually impaired. In my judgement, there would be some areas where it would be practical to address such concerns as part of the approval of the final detailed design for routes (e.g., the use of tactile paving and route clarity).

96. Having regard to the various proposed cycle, wheeler and pedestrian route options available to users of the appeal site and given the imposition of conditions and the completed planning obligation, I find that the development would reasonably and proportionately provide an inclusive active travel package of measures.

Character and appearance (including landscape character)

97. While the appeal proposal is submitted in outline, I have nonetheless been able to consider the design principles and parameters as outlined in the submitted design and access statement, the indicative masterplan, the parameter plans, as well as the overall quantum and type of development proposed.

98. The appeal site is to the west of the settlement of Buntingford which is currently the smallest town within East Hertfordshire District. It is a historic market town which lies in the shallow Rib river valley at the centre of a large rural area in the agricultural north-east corner of Hertfordshire.

99. The appeal land falls within the South Suffolk and North Essex Clayland National Character Area (National Character Area 86). It is an area described as being a dispersed settlement pattern of scattered farmsteads and the agricultural landscape is predominantly arable with a wooded appearance. The site is on an undulating topography, at 130m AOD in the west and centre, descending gradually eastward toward Buntingford, to 110m AOD on the north-eastern boundary. To the west, the landform descends and then rises gently towards Cottered with the wider rural context in the west sitting largely above the site. Public right of way Cottered 40 crosses the site and is accessible to the east from a footbridge across the A10 at Buntingford and connecting to the wider network of public rights of way via public right of way Cottered 39 and Cottered 46 to the west.

100. At the more local level, the site falls within the 'Cherry Green Arable Plateau' landscape character area (LCA 141) in the Council's Landscape Character Assessment' Supplementary Planning Document 2007 (SPD). It is adjacent to the High Rib Valley landscape character area (LCA 142) which retains a distinctive valley form and associated land uses. The SPD states that for the High Rib Valley character area *'the A10 corridor is a strong feature of the area and the traffic is locally intrusive as are some of the built features within Buntingford'* and *'The most extensive visual impact comes from the adjacent residential developments, which in some cases lie adjacent and unscreened e.g., northern edge of Buntingford overlooking Corney Bury. The A10 is also locally intrusive but contains sections in cutting'.*

101. LCA 141 is located on an elevated plateau between the valley of the River Rib to the east and the more settled plateau to the west and stretches from Throcking in the north to Nasty in the south. The key characteristics of this character area are identified as an open arable plateau with some very large field units; minimal settlement, restricted to individual farmhouses; a remote isolated feel; minimal woodland cover; degraded landscape pattern with few hedgerows and associated trees; organic winding lanes with few direct connections across the plateau (except for A507), water towers, electricity cables and aerial masts locally prominent features due to open countryside and open views across plateau and to the valley of the Rib. LCA 141 is described as *'not rare or highly distinctive within the country'.*

102. The landscape character area Ardeley/Cottered Settled Plateau (LCA 140) is situated immediately to the north of the site. Its keys characteristics include a dispersed settlement pattern; strong sense of historic continuity in structure; a range of field sizes including many smaller fields around settlements; a strong hedgerow pattern including mature trees; mixed land use with arable and range of pasture for horses, sheep and cattle; organic winding lanes with few direct

connections across the plateau (except for the A507); village greens and commons, wide range of vernacular domestic buildings; moderate woodland cover, particularly to the west; widespread rights of way network; a tranquil area; and minimal visual detractors.

103. The appeal site forms part of a transitional landscape and there is no dispute between the main parties that it is of medium value. The plateau landscape is visible from both the neighbouring plateau and the upper slopes of the Rib Valley. The landscape has, in the main, exposed views and apart from those parts of the landscape close to the A507 and A10 (such as the appeal site), are remote and quiet. The SPD states that *'the major visual impact on the area comes from the perimeter of Buntingford with significant impact arising from both industrial and residential developments on the upper slopes of the Rib Valley. The widest reaching single impact is caused by the Sainsbury's warehouses, which are major structures on the skyline to the east'*. The overall strategy for the Cherry Green Arable Plateau includes that of promoting a *'strategy for reducing the visual impact of development on the upper slopes of Buntingford including the Sainsbury's warehouses' (my emphasis).*

104. The site comprises just less than 50 hectares of arable land delineated centrally into two irregular parcels by a line of partially denuded hedgerow and hedgerow trees. A series of power lines run in a north-south direction through the site. The boundaries of the site are formed by overgrown hedgerows, scrub vegetation, hedgerow trees and vegetated road verges. The appeal site is bounded to the east and south by the presence of the A10 and A507 (Baldock Road), which serve the neighbouring town of Buntingford, whilst the minor road Throcking Lane borders part of the site's northern edge. To the south-east, a combination of mature hedgerow, scrub and trees provide a buffer to the Buntingford Business Park and associated built form, which ranges in scale and massing. To the west, the degraded hedgerow pattern allows unfiltered views across the undulating rural landscape toward Cottered, comprising arable fields, pasture and scattered woodland.

105. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA). This includes a May 2025 addendum. The assessment of impacts reflects the design strategy outlined in the appellant's submitted design and access statement as well as the implementation of the appellant's illustrative masterplan after 15 years. I have considered the LVIA and have considered the effects of the development on sensitive receptors including an assessment of the proposed development relative to the viewpoints outlined in the LVIA and as part of my site visit.

106. Policy ES1 of the NP states that *'development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have harmful effect on the landscape of this area and part of the Cherry Green Arable and Wyddial Plateaux'* (my emphasis). Given the wording of the above policy, it is not the case that all development in this area would automatically cause harm to the character and appearance of the area.

107. Policy HD2 of the NP states that *'all new housing development should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. All development proposals should demonstrate how they conserve, enhance or strengthen the character and distinctive features of the*

BCA landscape' and appendix 1 of the NP states that *'there does seem to be a degree of support for ensuring that the future development of Buntingford is carried out in such a way that the landscape views across the Town are not adversely affected. This requires that building on higher ground is limited in height and that any further housing is developed within the valley setting'.*

108. On my site visit, I experienced that open views of the site are available from the public rights of way that cross the appeal site. There is a mixture of glimpsed and more open views into the site from users of part of the A10 and from Throcking Lane.

109. In terms of the quantum of development proposed, there is no doubt that the development would result in a very sizeable urban extension into the otherwise mainly open and undeveloped countryside. While there would be change, it is worth emphasising that this does not automatically equate to significant harm.

110. I acknowledge that a relatively small business park (Buntingford Business Park) is close to the appeal site. This is located on the west side of the A10. In addition, there is an employment allocation adjacent to Buntingford Business Park. This has not yet been 'built out' and there is no live planning application submitted for determination by the Council. There is an earth bund around this employment allocation although it is not clear whether it is lawful. Currently, there is a relatively limited amount of development on this side of the A10 and, overall, the area is predominantly experienced as being of a more rural and undeveloped landscape character. Moreover, Buntingford Business Park is not very conspicuous when viewed from either the A10, the public footpaths (apart from the roofs of the buildings), or further afield, owing to land topography and the provision of planting to its boundaries.

111. I note that the appellant has sought to minimise the effects of the proposed built form on the character and appearance of this mainly undeveloped landscape from the point of view of the position and height of the proposed buildings (as detailed on the submitted parameter plans). Nonetheless, the proposal would be seen and experienced as departing from the otherwise more open and agricultural character of the countryside and when judged particularly against its immediate surroundings to the west. Indeed, there is some visual difference between the existing settlement to the east of the A10 (where further development has been approved but not yet built out) and land to the west of the A10.

112. Such a change would be very apparent when experienced from those travelling along parts of Throcking Lane and when using PROW 40 and 41. These users currently appreciate a more open and undulating rural landscape. In respect of PROW 40, my site visit revealed that large parts of it (mainly to the west) are experienced by walkers as being quiet and where the presence of the A10 is not visually or audibly as apparent when compared to those using PROW 41. This is because the A10 is positioned within a cutting at its point closest to PROW 40. I noticed on my site visit that there was a very distinctive open, rural, and quiet audible character to large parts of the appeal site when appreciated from the most westerly extent of PROW 40.

113. While the proposed planting would, in time, help to soften/mitigate the effects of the proposed development from certain viewpoints, I do not find that it would be capable of fully mitigating the essentially localised adverse harm which would be

caused to the character and appearance of this part of the countryside, or indeed to the way that users of the on-site existing public rights of way would experience the site in relative terms. Given the quantum and scale of the development proposed, I do not find that the proposed planting would have the effect of ensuring that the urbanising effects of the development were fully screened from public view. Even by year 15, it is my judgement that limited localised adverse harm would be caused by the proposal to the overall character and appearance of the countryside.

114. In reaching the above conclusion, I note that the appellant has sought to control the position and proposed height of buildings on the land, as detailed on the proposed parameter plans. In this respect, controlling development in accordance with the parameter plans would ensure that built development was kept away from the plateaux or ridge top of this undulating landscape. In this regard and noting that the development overall would be a large extension to the existing settlement of Buntingford and into the countryside, I reach an overall position that some limited localised harm would be caused to the rural character of the area when seen from parts of the A10, Throcking Lane, properties, and from PROW 40 and 41.

115. In reaching a finding of limited localised adverse harm, I nonetheless acknowledge that the proposal would avoid higher ground surrounding the Rib Valley and that built development would be confined to that within the *'Rib valley landscape cell'* as named by the appellant. In other words, built development would be confined to the valley slopes below the western and northern spurs of landform and, in this regard, would preserve and value the Rib Valley setting of the Buntingford Community Area. In this regard, I do not find that the proposal would conflict with the NP which seeks to maintain the town's valley setting and which seeks the objective of '*limiting development on higher ground*'.

116. The proposed development to the south/south west of the appeal site would be well screened from the A10 owing to existing vegetation and the location of Buntingford Business Park. It would also be well screened by boundary planting along Baldock Road. Even accounting for the proposed new access into the site from Baldock Road (reserved matters landscaping details would need to be sensitively considered in this area), which would partly open up the site to some public views, I find that development on this part of the site would nonetheless be experienced as being well contained from surrounding public views. I also noticed on my site visit that some of the roofs of the employment buildings at Buntingford Business Park were visible from this part of the appeal site and from the western edge of PROW 40. Hence, the development proposed on this part of the appeal site would have some visual affinity with the existing built form adjacent to this part of the appeal site.

117. The proposed development further to the north/north east of the appeal site would be partly viewed in the context of the A10 and other urban influences such as the proposed pedestrian bridge, as well as existing and consented development near to Neale Drive. Even, accounting for such intervisibility, I find that limited harm would nonetheless be caused to the character and appearance of the countryside by year 15 particularly when experienced by users of the on-site public rights of way and from parts of Throcking Lane.

118. As the built development would avoid ridge top or plateau land, it would not in this regard be highly prominent or visually overbearing. Built form would not occupy a skyline location. Therefore, it would not generally assert itself as a significantly

discordant or intrusive feature that would cause very significant and lasting harm to the character and appearance of the landscape. That said, I do find that there would be a material change to the way that the users of parts of the public rights of way through the site currently enjoy the open and tranquil nature of this part of the countryside (particularly to the western section of PROW 40). In my view, this is a matter to which I afford greatest harm in respect of the effect of the development on important receptors.

119. I find that limited harm would be caused to LCA 141 and limited harm caused to the surrounding LCA areas. I acknowledge that LCA 141 is '*not rare or highly distinctive within the country'* and that the appeal site does not lie within a National Landscape designation. However, this does not mean that it does not have landscape character value.

120. Overall, and notwithstanding the proposed landscaping, I do not find that the development would fully conserve the character and distinctive features of the landscape and, even with landscaping, users of parts of the public rights of way through the site would experience a much more urban and less tranquil environment. I recognise that efforts have been made to keep the proposed development confined to the valley slopes and, in this regard, there would be suitable compliance with policy ES1 of the NP. Nonetheless, and, even with the proposed indicative landscaping maturing by year 15, I find that limited localised harm would be caused to the character and appearance of the countryside, including to landscape character, particularly when the resultant development is experienced by users of the public rights of way running through the site.

121. I therefore conclude that when the proposal is considered as a whole, it would not fully accord with the landscape character, countryside natural beauty, and public right of way requirements of policies GBR2 and DES2 of the LP, policy HD2 of the NP, and national decision-making policy TR8 of the Framework.

122. It is a point of dispute between the main parties in terms of whether, in view of my conclusion above, the proposal would conflict with national-decision making policy N2 of the Framework which states that proposals should *'consider the environmental qualities of land proposed for development including…landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved and enhanced'.* While the appellant has identified opportunities from a conservation and enhancement point of view, these are not sufficient to fully conserve in the context of the limited localised harm that I have identified.

123. There is a difference of opinion between the main parties in terms of whether decision making policy DP3(1) of the Framework is of relevance in terms of considering the above main issue. I find that it is not relevant from a landscape character point of view because this is specifically addressed in national decision-making policy N2 as listed above.

124. In my judgement, national decision-making policy DP3(1) relates to matters such as on-site scale, layout, landscaping and appearance rather than to the effect of a proposal on the landscape character and visual attributes of the countryside. In other words, I find that it relates to matters which would be considered at reserved matters stage from the point of view of the consideration of on-site detailed proposals. It would be at this stage that a reserved matters proposal(s) would need

to ensure that the development suitably integrated with and enhanced its surroundings. Notwithstanding my conclusion in respect of the above main issue, the parameter plan proposals demonstrate to me that in principle the proposal would be capable of meeting the objectives of national decision-making policy DP3(1). In my judgement, this is not a relevant policy from the point of view of the above main issue.

125. If one was to disagree with me on the above point, I have decided to opt for an *'even if'* approach in my overall planning balance and conclusion. In other words, I have also reached a finding based on national decision-making policy DP3(3) being of relevance to my conclusion on the landscape character and visual effects main issue. This is in so far that the policy says that *'development proposals should be refused if, without clear justification they conflict with paragraph 1 of this policy*'. This has implications in terms of the application of national decision-making policy S5 which I deal with later.

126. Overall, I afford the harm to the character and appearance of the area, including to landscape character, limited adverse weight in the overall planning balance.

Infrastructure

127. Both the completed planning obligation and imposed conditions below ensure that the proposal would provide necessary infrastructure to make the development acceptable from a planning point of view.

128. I deal with matters relating to PROW 36 and the provision of land and contributions for a first school later in this decision. However, there is common ground between the main parties that the Council's fourth reason for refusal of planning permission relating to infrastructure matters has now been resolved owing to the completed planning obligation and the agreed conditions. I do not disagree with this common ground position.

129. I therefore conclude the proposal would accord with the infrastructure and planning obligation requirements of policies TRA1, DPS4, DEL1, DEL2, HOU3, CFLR1, CFLR7 and CFLR9 of the LP.

Other considerations – other harms

130. The proposal would result in the loss of best and most versatile agricultural land (BMVAL). This weighs against allowing the appeal, although this must be considered in the context of the amount of BMVAL that would be lost as a proportion of the significant amount of other BMVAL that exists in the wider area.

131. Moreover, the Council falls significantly short of being able to demonstrate a deliverable five-year supply of housing sites. There is a pressing need to release more land for housing: it is conceivable that this will likely have to result in the loss of some BMVAL. I do not find that the proposal would have a materially adverse impact on the UK to be food self-sufficient. Notwithstanding these views, the proposal would not fully accord with national decision-making policy N2(1)(b) of the Framework, or policy ED2 of the LP. This is a common ground position. I attribute this matter limited adverse weight in the overall planning balance.

132. Holy Trinity Church is located about 1km to the west of the site. It is a grade II* listed building and hence has more than special interest. The Framework states that great weight should be given to a heritage asset's conservation and that any

harm to heritage assets requires clear and convincing justification. Where harm would occur (i.e., not at the level of substantial harm), this should be weighed against the public benefits of a scheme. In this case, that exercise takes place in the context of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that, when considering whether to grant permission for a scheme which affects a listed building's setting, the decision maker shall have special regard to the desirability of preserving that setting. It sets a strong presumption against permission for a development that would harm that setting.

133. The significance of Holy Trinity Church derives from is historic and architectural special interest. In respect of its built fabric, its special interest relates to its construction methods and materials, together with its decorative elements and retention of original internal features. It is a small late medieval parish church with a tower. It is mainly flint rubble plastered with stone dressings to the nave and chancel. The base courses of the tower are in coursed unknapped flint and pebbles and there is knapped flint facing around the windows and with stone quoins and dressings. The upper part of the tower is finished in red brick. Internally, there are 17th century benches in the nave (with 19th century copies) and heraldic floor slabs.

134. I find that the significance of Holy Trinity Church is also derived from the contribution that is provided from its mainly undeveloped, rural and tranquil setting which extends to and includes the appeal site. I was able to experience the relative intervisibility as part of my site visit, albeit acknowledging that the appeal site is quite some distance from the listed church. As per the position of the main parties, I find that harm would be caused to the overall significance of Holy Trinity Church arising from the proposed urban form of development falling within its setting.

135. The above harm would not be substantial. It would be a level of harm which is at the lower end of the spectrum of less than substantial harm. I find that the public benefits of the proposal, as outlined elsewhere in this decision (including below), would collectively present a clear and convincing justification to outweigh the harm that would arise to the significance of Holy Trinity Church through the harm caused to its setting. In this regard, the proposal would not conflict with national decision-making policy HE6(4) of the Framework.

136. I find that there is justification for some main town centre development on the appeal site (i.e., the mixed-use local centre). In fact, that is perhaps to be expected from a proposal of some 660 residential units. I am satisfied that there is justification for the inclusion of the quantum of 'main town centre' type development on the appeal site and as part of the housing led proposal. The sequential test as outlined in national decision-making policy TC3 of the Framework is passed. I do not find that the proposal would cause any material harm to the vitality and viability of any town centre.

Other Considerations – Benefits

137. There is no dispute between the parties that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites relating to the 31 March 2025 base date. There is a very significant shortfall in housing land supply in the area and hence there is a critical need to release more land for housing. The adoption of a new development plan for the area, which would consider the new/increased housing requirement for the area (i.e., a requirement to deliver 1237

homes per annum rather than 839 per annum in the LP), is not proposed until April 2029. Therefore, a plan led strategy for delivering economic growth, including housing, would not be in place until at least two and half years' time.

138. The Council's planning witness also agreed at the inquiry that the new development plan for the area would be likely to have to include sites outside existing settlement boundaries. There is common ground between the main parties that whether I consider the lower or upper end of the undersupply position, substantial positive weight should be afforded to the delivery of the proposed dwellinghouses on the land.

139. The proposal also includes a significant number of affordable homes, homes for the elderly, and 1% custom self-build housing on the appeal site. The substantial positive weight that I afford to each (my emphasis) of these benefits is necessary given the wording in national decision-making policy HO7 of the Framework which links to national decision-making policy HO1. Put another way, I find that the appellant has correctly disaggregated these benefits rather than considering them as one single benefit. I emphasise, however, that this is not a matter which makes a difference to my overall conclusion to grant outline planning permission.

140. The proposal would deliver a biodiversity net gain of 11.25% and hedgerow benefits of 49.78%. I afford this matter moderate positive weight in the overall planning balance. For the avoidance of doubt, it is not the case, as claimed by other interested parties, that the proposal would cause harm to biodiversity.

141. The development would deliver sports facilities: a cricket pitch, two football pitches, a multi-use games area, and an associated pavilion to meet the wider needs of Buntingford. These are matters to which I also afford moderate positive weight.

142. The proposed country park and the very significant amount of proposed open space (about 25 hectares) would be provided in the context of a deficit of facilities in Buntingford. Hence, they should be attributed moderate positive weight in decision making terms.

143. The financial contribution in the completed planning obligation to be used towards bus services and sustainable transport initiatives in the town would be a very welcome benefit from a wider community perspective. Hence, I attribute each of these matters moderate positive weight.

144. The proposal would include footpath, cycle and wheeler improvements more generally within Buntingford which would have wider community benefits. This is also a matter to which I afford moderate positive weight in decision making terms.

145. I acknowledge that PROW 36 is not proposed to be used by cyclists. However, the appellant's proposals seek to widen the footpath by some 3.0 metres. To the extent that the appellant's proposed improvements would at least make the option of using this route for cycling more likely than not in the future (noting that there is currently a dispute about changing its legal status), and in accordance with strategic aspirations to create a cycle route in this area more generally, I afford this matter some limited positive weight in decision making terms.

146. There would be economic benefits associated with the proposed development including construction employment, employment associated with the on-site mixed-

use local centre, and increased expenditure within the local economy arising from a significant number of people living on the appeal site. In respect of the proposed mixed-use local centre, I find that there is at least some prospect of this coming forward as part of the development proposal. Specific controls are suggested to deal with this matter. However, at this stage it cannot be absolutely guaranteed that it would be delivered on the land. That is, however, the case for most speculative proposals. Overall, I attribute the various economic benefits moderate positive weight in decision making terms.

147. Decision making policy HC4(1) of the Framework states that substantial positive weight should be given to proposals for new or improved public service infrastructure or community facilities. The mixed-use local centre, sports facilities and country park would seek to minimise car journeys and to encourage more sustainable travel movements (e.g., waking and cycling) for those that live on the appeal site and/or visit. In this regard, they can be considered a benefit as part the overall mixed-use proposal. I attribute limited positive weight to such benefits.

148. I note the point made by the Council about the lack of need for a GP surgery, but other health facilities (e.g., physiotherapist etc) may be capable of being provided on the site. Again, this is a speculative proposal at this stage and so I afford this matter only limited positive weight in the overall planning balance.

149. I deal with the provision of land for a first school as part of my assessment of the completed planning obligation below. For the reasons given, up to date forecasting and a falling roll/decline in birth rates demonstrate that there is not currently a need for a first school. Moreover, the evidence is that there is a low likelihood of there being a need in the future. The provision of a first school on the land is not therefore a matter to which I afford any material weight as a benefit. However, this does not alter or outweigh the very substantial weight that I collectively afford to the other benefits outlined above, and in the overall planning balance.

Other Matters

150. I have considered the very significant number of representations made by other interested parties made at both planning application and appeal stages. This includes the representation made by Chris Hinchliff MP. Some of the comments made by other interested parties have already been addressed in my reasoning above and owing to the completed planning obligation.

151. Some third parties have raised a concern about the capacity of the sewage treatment works, the ability to provide suitable sewerage drainage facilities for future residents, and whether a suitable water supply for residents and the wider community would be available. It is noteworthy that Thames Water do not object to the proposal.

152. It is also important that I emphasise that water companies have a legal obligation under the Water Industry Act 1991 to properly maintain, cleanse, and upgrade their sewers and to ensure that there is sufficient water supply for new development. Developers and householders can legally connect to the existing sewer network. Ofwat has significant statutory powers (including enforcement powers) under the Water Industry Act 1991 and the Water (Special Measures) Act 2025 to ensure that water companies fulfil their duty to maintain and upgrade sewer systems.

153. Given the statutory requirements imposed on water companies in respect of the provision of a suitable off-site sewage network and treatment facilities, coupled with the provision of adequate water supplies, it has not been necessary for me to impose conditions requiring the specific approval of off-site foul and water supply details. National decision-making policy DM7(2) of the Framework states that *'Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes.'*

154. While I note the concerns raised by members of the public about existing foul drainage capacity, as well as water supply issues, there is no objective evidence before me to indicate that Thames Water would not be able to address matters appropriately and in accordance with its statutory responsibilities. The main parties have, however, agreed to the imposition of a condition to ensure that dwellings are not occupied until all necessary upgrades to the foul water network to accommodate additional flows from the development have been completed.

155. I note the requests of Westmill Parish Council in terms of financial contributions for claimed highway safety concerns at the northern and southern exists of Westmill, to clear alleged blockages in the River Rib, to improve a recreation ground operated by the Greg Trust, and for foul network upgrades. Save for my comments made above about foul water treatment and capacity, these requests are not necessary to make the proposed development acceptable. It is the statutory responsibility of each water company to ensure that the sewage network/infrastructure can accommodate proposed and consented development proposals. This is not the responsibility of a developer.

156. I am satisfied that the SUDS and swale proposals would be capable of adequately managing flood risk and would be capable of according with policy WAT1 of the LP. A condition could be imposed to deal with surface water drainage.

157. I acknowledge that several housing proposals have been granted planning permission in Buntingford, including on appeal. However, I have determined this appeal on its individual planning merits, based on existing site conditions and the specific proposals, and considering the most up to date local and national planning policies. The circumstances and site conditions relating to other proposals and decisions elsewhere in Buntingford are not directly analogous to this appeal proposal and, in any event, I have exercised my own professional planning judgement.

158. Comments have been made that the proposal does not include sufficient employment opportunities on the site. Some employment is proposed on-site in the form of a mixed-use local centre. Moreover, the site is adjacent to Buntingford Business Park as well as to a proposed employment allocation.

159. I acknowledge the concern raised by some interested parties that the site should only be released for development if a development plan review process indicates that it would be acceptable to do so. The development plan for the area is now of some age, and the evidence is that a new development plan will not be adopted for a few years. It has been necessary for me to determine this appeal on its individual planning merits and against current local and national planning policies. It is of note that the outline planning application was not refused on grounds of prematurity.

160. There is no objective evidence before me to indicate that below-ground archaeology would be a constraint to the development of the appeal site. A planning condition could be imposed to deal with this matter.

161. At the inquiry, Councillor Nicholls raised concerns in relation to ecology and a nearby chalk stream. Priority habitats including chalk rivers have been plotted by the appellant. I have no reason to doubt the appellant's assessment which concludes that through standard pollution control measures there would be no significant residual effects.

162. None of the representations made by other interested parties alter or outweigh my overall planning balance and conclusion below.

Planning Balance and Conclusion

163. Collectively, I attribute very substantial positive weight to the benefits outlined earlier on in this decision. Moreover, I have found that the proposal constitutes an acceptable development type listed in national decision-making policy S5 (in particular because of the evidenced unmet need for housing in the context of a five-year undersupply position) and hence can be approved in principle. The Framework is a material consideration of 'critical importance' for making decisions on development proposals. I afford the Framework very significant weight as a material planning consideration.

164. Weighed against the above benefits are some identified harms. I conclude that by year 15 the proposal development would cause limited localised harm to the character and appearance of the countryside, including to landscape character. As a connected point, there would be some limited localised harm caused to the way that the existing PROW crossing the site would be subsequently experienced by users. There would also be less than substantial harm caused to the significance of the grade II* Holy Trinity Church from a setting point of view. Such harm would be at the lower end of the spectrum of less than substantial harm and so it is afforded limited adverse weight in the overall planning balance.

165. There would be conflict with identified development plan policies in terms of the principle of the proposed development in this countryside location. However, these policies are materially inconsistent with national decision-making policy S5 of the Framework. Therefore, I afford the conflict with such development plan policies limited adverse weight in decision making terms.

166. Subject to the imposition of conditions and the completed planning obligation, the proposal would not cause harm to matters of highway safety; would provide the necessary infrastructure to make the development acceptable; would suitably promote and prioritise active travel; would provide a choice of sustainable modes of transport including socially safe and quality walking, wheeler and cycling routes; and would make a suitable modal shift towards reducing car usage. Given the package of proposals, the development would not result in reliance on the private car for day-to-day journeys. Some of these matters are necessary to make the development acceptable, although to the extent that they lead to wider community benefits I have attributed positive weight to them in the overall planning balance.

167. In this case, I conclude that the benefits associated with the proposed development would not be substantially outweighed by the identified adverse

effects of the proposal (including the conflict with the identified development plan policies) when assessed against the policies in the Framework.

168. As outlined earlier on in this decision, I have also considered a scenario whereby if I was wrong in terms of the applicability of national decision-making policy DP3(1) to the consideration of the landscape character and visual effects main issue. If it were the case that the proposal would not accord with national-decision making policy DP3(1) of the Framework (i.e., a refusal type policy) in terms of this main issue, it is noteworthy that national decision making policy S5(2) states that *'the circumstances in which the benefits of approving development are likely* (my emphasis) *to be substantially outweighed by adverse effects include, but are not limited to, situations where the development proposal would fail to comply with one of the national-decision making policies which state that the development proposals should be refused in specific circumstances'*.

169. To the extent that one was correct in asserting that national decision making policy DP3(1) of the Framework was applicable to the landscape character and visual effects main issue (which I say it is not), I would, in any event, have concluded that the very substantial benefits of approving the development would not have been substantially outweighed by the identified adverse effects, including the claimed conflict with national decision-making policy DP3(1) of the Framework.

170. Consequently, and, either way, I find that the proposal would accord with the requirements of national decision-making policy S5 and so is acceptable in principle. Moreover, access details are acceptable subject to the imposition of conditions. It therefore follows that the proposal would accord with national decision-making policy S3 and therefore it would deliver a sustainable form of development.

171. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, there are material considerations which outweigh the proposal's identified conflict with the development plan. I therefore conclude that the appeal should be allowed.

Planning Obligation

172. An agreed and completed section 106 agreement has been submitted as part of this appeal. In summary, the planning obligation includes covenants and obligations relating to affordable housing; elderly accommodation; custom/self-build housing; education/childcare/youth services; public infrastructure; public transport; health facilities; sports facilities; and a sports pavilion.

173. I have considered all the contributions and obligations in the completed section 106 agreement against Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) which states that they should be '*necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development'*. Apart from matters relating to the provision of a first school and the financial contribution towards changing the legal status of PROW 36 which I deal with below, I am satisfied that all other covenants and obligations in the completed section 106 agreement meet the tests for planning obligations as contained within Regulation 122(2) of the CIL Regulations.

174. The evidence is that most recent forecasting evidence submitted from Hertfordshire County Council Education Authority to the Government demonstrates that there is a surplus of first school places and hence a first school would not currently be needed on the site. In respect of forecasting, each Education Authority should not consider outline planning permissions for housing. In addition, the evidence is that there are falling rolls in schools in the administrative area and indeed this is a national trend.

175. While the appellant considers that there may in time be a need for a first school on the site when outline planning permissions are considered against the most up to date Hertfordshire County Council's Education Authority submitted forecasts (at the inquiry the view expressed by the appellant's witness was that a one form entry as distinct to a two form entry school would still be needed), I am nonetheless persuaded by the evidence of Hertfordshire County Council's Education Authority that there is no need for first school on the site now, and, based on forecasting, there would be a low prospect of one being needed on the site in the future. In my judgement, the evidence does not support the contention that there would likely be a requirement for a first school on the site upon the construction of the 270th dwelling on the land.

176. Given the above, the provision of a first school on the site is not needed to make the development acceptable. Hence, the obligations within the planning obligation relating to a first school are not needed in respect of the appeal proposal. In other words, any related obligation in the completed planning obligation is not CIL Regulation 122(2) compliant: a first school is not necessary to make the development acceptable in planning terms. Hence, section 4 (conditionality) of the planning obligation is applicable in terms of this matter.

177. The evaluation of a planning obligation is of course different to the consideration of the land use planning merits of a development proposal. It is noteworthy that the Council does not raise an objection, in land use principle, to the fact that a first school is shown on the submitted master plan, or indeed that it is included in the description of development. I do not disagree that such a proposal would be suitable in principle as part of a mixed-use and residential led scheme. However, as it is not needed to make the development acceptable, or to address a forecasted shortfall in school places, it is not a matter to which I have been able to afford any material positive weight in the overall planning balance.

178. In respect of the proposed development, I do not find that it is necessary to pay the 'PROW financial contribution' of £1500 towards the cost of an application to change the legal designation of Public Right of Way 36 to include a cycleway. A cycle route is not being proposed by the appellant and so this is not directly related to the development proposal. Moreover, it is not necessary to make the development acceptable. Put another way, this obligation is not CIL Regulation 122(2) compliant and hence section 4 (conditionality) of the planning obligation is applicable in terms of this matter.

Conditions

179. The conditions set out in the accompanying schedule are based on those suggested by the Council and agreed by both main parties at the inquiry. The appellant has expressly agreed in writing to the imposition of the pre-commencement conditions. I am satisfied that there is clear justification for the pre-

commencement conditions. All the conditions meet the tests as outlined in national decision-making policy DM6(1) of the Framework.

180. For the avoidance of doubt, I have provided reasons why each condition is necessary after each condition in the schedule of conditions attached to this decision. I have also referred to relevant planning policies.

Overall Conclusion

181. For the reasons outlined above, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Planning Conditions

1. **In accordance with approved plans**

The development hereby approved shall be carried out in accordance with the approved plans listed below:

- Location Plan - HLM082/021 RevB
- Building Heights Parameter Plan – HLM082/036 RevC
- Land Use Components Plan – HLM082/018 RevR
- Residential Density Plan – HLM082/037 RevD
- Tree Retention and Removal Plan (within Barton Hyett AIA) - BHA_5798A_02

REASON: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

2. **In general accordance with approved plans and documents**

The development hereby approved shall be carried out in general accordance with the approved plans and documents listed below:

- Baldock Road Roundabout – Northern Access – 23161 SK 029 P5
- Northern Parcel Throcking Lane Access – 23161_SK_T_025 P4
- Northern Bridge Crossing – 23161_SK_T_032 P1 / 23161_SK_T_033 P1
- Southern Bridge Crossing – 23161_SK_T_021 P1 / 23161_SK_T_022 P2

REASON: To ensure the development is carried out in general accordance with the approved plans, drawings and specifications.

3. **Approval of reserved matters prior to development**

No phases of the development (other than Preliminary Works) (as set out in the approved Phasing Plan) shall be begun until Reserved Matters approval for that Phase, Subphase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.

REASON: The application as submitted does not give particulars for some phases sufficient for consideration of the Reserved Matters.

4. **Submission of reserved matters within 3 years**

Applications for approval of Reserved Matters, in general accordance with the Design Principles (May 2025) namely details of layout, scale, appearance, and landscaping (hereinafter called "the Reserved Matters") for all phases shall be made to the Local Planning Authority no later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5. **Commencement within 2 years of last reserved matters approval**

All phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last Reserved Matters.

REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

6. **Planning permission limited**

The outline element of the development hereby permitted is for no more than 600 Residential Units (Use Class C3), no more than 60 elderly accommodation units (Use Class C3) and no more than 2,000m² Mixed Use Local Centre (Flexible Use E and F). The mixed-use local centre hereby permitted does not grant outline planning permission for hot food takeaway.

REASON: To comply with the provisions of the outline planning permission including the parameters assessed considered and established by this permission.

7. **Caps on housing occupation until infrastructure provided**

No more than the following number of dwellings shall be occupied until the following onsite infrastructure is completed and available for use by future occupiers of the development:

- Prior to first occupation/use - 23161 SK 029 P5, Baldock Road Roundabout, Northern Access (works on Baldock Road)
- Prior to occupation of no more than 50 dwellings served solely by the southern access onto Baldock Road - 23161_SK_T_021 P1 / 23161_SK_T_022 P2, Southern Bridge Crossing
- Prior to occupation of no more than 50 dwellings served solely by the southern access onto Baldock Road - Mobility Hub (to include proposed bus stop with shelters with real time bus information, cycle parking, electric charging facilities, car club spaces)
- Prior to any occupations of dwellings served solely by the northern access onto Throcking Lane or the occupation of no more than 400 dwellings whichever is the sooner - 23161_SK_T_032 P1 / 23161_SK_T_033 P1, Northern Bridge Crossing
- Prior to occupation of no more than 50 dwellings served solely by the northern access onto Throcking Lane - Mobility Hub (to include proposed bus stop with shelters with real time bus information, cycle parking, electric charging facilities, car club spaces)
- Prior to occupation of no more than 500 dwellings - 23161_SK_T_025 (P4) Northern Parcel Throcking Lane Access

REASON: In order to ensure that future occupiers have the potential to access local services and active travel infrastructure and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policies DPS1 and TRA1 of the East Herts District Plan.

8. **Phasing Plan**

Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority prior to commencement of any part of the development. The Phasing Plan shall include the following: a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development; b) A timetable for the delivery of the development and associated infrastructure, including active travel connections (footpaths, bridges, A10 crossing, other highway improvements); and, c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure. No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority. The development shall accord with each approved Phasing Plan.

REASON: To ensure that the development is delivered and developed in a manner which is coherent and compliant with Development Plan policies.

9. **Design Code**

No further reserved matters shall be approved until a Design Code has been submitted and approved by the Local Planning Authority. The Design Code shall be produced in general accordance with the approved documents, Design Principles Document, DAS, and associated planning conditions. The Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the site. As a minimum the code shall include principles for the following:

- Design
- Block structure
- Public Realm
- Green and blue infrastructure including multifunctional SuDS
- Routes and movement network, integrating with the wider movement network
- All modes parking typologies
- Street hierarchy and character types
- Land uses
- Density ranges
- Building heights
- Edges, nodes, and gateways
- Frontage, access, and servicing
- Built form
- Identity
- Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification

- Indicative materials palette
- Indicative Planting strategy
- Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code
- Design Code Compliance Checklist

All subsequent Reserved Matters shall accord with the approved Design Code and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.

REASON: In order to achieve a coordinated approach to development and high-quality design outcomes in accordance with policies, DES1 and DES4 of the East Herts District Plan.

10. **Construction Traffic Management Plan**

Prior to the commencement of all phases of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. The 'Construction Traffic Management Plan' shall set out: the phasing of construction and proposed construction programme; the methods for accessing the site, including wider construction vehicle routing; the numbers of daily construction vehicles including details of their sizes, at each phase of the development; the hours of operation and construction vehicle movements; details of any highway works necessary to enable construction to take place; details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway; details of any hoardings; details of how the safety of existing public highway users and existing public right of way users will be maintained; management of traffic to reduce congestion; control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels; the provision for addressing any abnormal wear and tear to the highway; the details of consultation with local businesses or neighbours; the details of any other construction sites in the local area; and waste management proposals. Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: In the interests of highways safety, in accordance with Policy TRA2 of the East Herts District Plan 2018.

11. **Ground contamination investigation works**

No development within each phase or sub phase of development shall commence until the following are submitted to and approved by the local planning authority:

1) Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

2) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be

determined. The relevant phase/sub phase of development shall thereafter be undertaken in accordance with these approved details.

REASON: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

12. **Archaeological Investigation works**

No development shall take place within each phase or sub phase of the proposed development site, until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority for each phase. This condition will only be discharged when the Local Planning Authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

REASON: To secure the protection of, and proper provision for, any archaeological remains, in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018.

13. **Drainage details**

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and Drainage Strategy (23161-FRADS(N)-01 v5, May 2024) and Applicant Response to Hertfordshire County Council LLFA Consultation Response (24 January 2025), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development within that phase or sub phase and thereafter retained as approved. The scheme shall address the following matters:

i) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s, or If infiltration is proven to be unfavourable, then surface water runoff rates will be attenuated to QBAR as stated within section 6.2 of the FRA and Drainage Strategy. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

ii) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

iii) Detailed designs, modelling calculations and plans of the drainage conveyance network in the: 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site; 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

iv) The design of any infiltration or attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance. This will include surface water exceedance which may enter the site from elsewhere in excess of the 1 in 100 (1% AEP) rainfall event.

v) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

vi) Details of how all surface water management features will be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

vii) A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures, such as culverts, within the development boundary.

REASON: To prevent flooding in accordance with National Planning Policy Framework Policy F8 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

14. **Hydraulic Modelling**

Prior to, or in conjunction with any Reserved Matters application, detailed hydraulic modelling of the surface water flow path which runs through the site shall be carried out and submitted to and approved in writing by the Local Planning Authority. The modelling shall demonstrate that the development will not result in an increase in flood risk elsewhere, incorporating all watercourses, upstream exceedance flow routes and flows through the site. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1% AEP (1 in 100 year) plus climate change event. It should also demonstrate that any culverts have capacity for both the development discharge and overland flow paths as not to cause an increase in flooding elsewhere.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF Policy F8.

15. **Interim temporary drainage measures**

Each phase or sub phase of the development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and

construction phase shall thereafter be carried out in accordance with approved method statement.

REASON: To prevent flooding and pollution off-site in accordance with the NPPF Policy F8.

16. **Site Waste Management Plan**

Prior to the commencement of each phase or sub phase hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to, for that phase. The development shall be carried out in full accordance with the approved SWMP.

REASON: To ensure that measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

17. **Off-site highway improvements**

No development shall commence until a detailed scheme for the off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Manual for Streets and shall generally accord with the details indicated on drawings below and shall thereafter be undertaken in accordance with the approved details and in accordance with the trigger points specified below:

- Drawing showing Proposed offsite works on Baldock Road (Southern Route) – Drawing 23161 0044 P3, and Drawing 23161 043 P2
- Drawing showing Proposed Active Travel Improvements to Monks Walk Road - Drawing 23161 042 P2
- Drawing showing offsite improvement works PRoW 36 and Skipps Meadow (Central Active travel route) - Drawing 23161 0045 P3 Drawing showing offsite improvement works to Northern PRoW routes (Northern Active Travel Route) – Drawing 23161 0047 P2

No more than the following number of dwellings shall be occupied until the scheme is completed and available for use by future occupiers of the development:

- Proposed offsite works on Baldock Road (Southern Route) and Proposed Active Travel Improvements to Monks Walk Road – prior to first occupation
- Offsite improvement works PRoW 36 and Skipps Meadow (Central Active travel route) – prior to 50th occupation
- Offsite improvement works to Northern PRoW routes (Northern Active Travel Route) – prior to any occupations of dwellings served solely by the northern access onto Throcking Lane or the occupation of no more than 400 dwellings whichever is the sooner

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

18. **Design details of estate roads**

Prior to the commencement of each phase or sub phase of the development, full details in relation to the design of estate roads (in the form of scaled plans and/or written specifications for each phase/sub phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

a. Roads;

b. Footways;

c. Cycleways (compliant with LTN 1/20);

d. External public lighting;

e. Minor artefacts, structures and functional services;

f. Foul and surface water drainage;

g. Visibility splays (in accordance with Manual for Streets);

h. Access arrangements including temporary construction access;

i. Hard surfacing materials;

j. Parking areas for vehicles and cycles (in accordance with LTN1/20);

k. Loading areas; and

l. Turning and circulation areas.

The approved details shall be implemented in full prior to first occupation of each phase/sub phase.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

19. **Public rights of way improvement works**

Notwithstanding the details indicated on the submitted drawings, no works shall commence on site within the relevant phase/sub phase unless until a Rights of Way improvement plan for the off-site and on-site Rights of Way improvement works for that phase/sub phase has/have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to first occupation of that phase/sub phase and shall be retained and maintained thereafter.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor and in accordance with Policies 5 and 21 of Hertfordshire's Local Transport Plan (2018).

20. **External materials**

Prior to the commencement of any above ground construction works for each phase/sub phase of the development, details and specifications of all the external materials of construction and finishes for that phase/sub phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

REASON: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

21. **Sustainability measures**

Prior to the commencement of any above ground construction works for each phase or sub phase, details of energy and water sustainability measures to be incorporated within each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall be based on the recommendations of the Energy Strategy Statement (Sustainable Construction Energy and Water Statement by Turley revD) and shall include details of:

o Energy efficient construction techniques;

o Energy efficient lighting and fittings;

o Services and controls;

o Efficient energy supply (including details of air source heat pumps);

o Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day; and Compliance with the Future Homes Standard (unless otherwise agreed)

o BREEAM rating for non-residential buildings (no less than 'excellent' unless otherwise agreed)

Thereafter, the development shall be implemented and maintained, in accordance with the approved details.

REASON: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

22. **Drainage maintenance and management**

Each phase or sub phase of the development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme approved under Condition 13 shall be implemented prior to the first occupation of each phase or sub phase of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme

throughout its lifetime. This will include the name and contact details of any appointed management company.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts District Council.

23. **Drainage Verification**

Prior to completion of each phase or sub phase of the development a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme) should be submitted to and approved in writing by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts District Council.

24. **Estate roads maintenance and management**

No phase or sub phase of development shall be occupied until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

25. **Travel Plan**

No phase of the development hereby permitted shall be occupied prior to the implementation of the approved Framework Travel Plan and dated May 2024 for that phase (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for a period of 5 years following occupation of the residential or commercial development, or 7 years following occupation of the school.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

26. **Lighting details**

Prior to the first occupation of each phase or sub phase of the development hereby approved, details of any external lighting proposed in connection with each phase of the development shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be implemented in accordance with the approved details.

REASON: In order to ensure inappropriate light pollution does not occur, in line with Policy EQ3 of the East Herts District Plan 2018.

27. **Contaminated land verification report**

Prior to first occupation / use of each phase or sub phase of development the following shall be submitted and approved by the local planning authority: A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

28. **Vehicle / cycle parking details**

Prior to first occupation/use of each phase/sub phase of the hereby approved development, details of car/cycle parking provision for each phase/sub phase, which shall have regard to the Councils Vehicle Parking SPD, shall be submitted for approval by the local planning authority. No building/use shall be first occupied unless and until on-site cycle and car parking for that building/use has been provided. The approved car/cycle parking shall thereafter be retained.

REASON: In order to promote sustainable transport and reduce environmental impacts in the District in accordance with Policy TRA1 Sustainable Transport, EQ4 Air Quality, DES4 Design of Development of the adopted East Herts District Plan 2018 and the East Herts Vehicle Parking Standards SPD 2007.

29. **Waste recycling details**

Prior to the commencement of any above ground construction works for each phase/sub phase of the development, details of waste and recycling stores consistent with the reserved matters shall be submitted for approval to the local planning authority. No building/use shall be first occupied unless and until waste and recycling stores for that building/use has been provided. The approved waste recycling details shall thereafter be retained and maintained.

REASON: To ensure adequate refuse storage is provided, in accordance with Policy DES4 of the East Herts District Plan 2018.

30. **Thames Water infrastructure phasing plan**

The development shall not be occupied until confirmation is provided that either:

1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or

2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule.

REASON: Network reinforcement works may be required to accommodate the proposed development.

31. **Details of play provision**

Prior to the first occupation of each phase or sub phase of the development hereby approved, details of the proposed play provision, including Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) if appropriate for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

o a site plan showing the detailed layout of the play spaces;

o scaled drawings of new play equipment and furniture;

o scaled drawings of any boundary treatments; and information on any surface

coverings.

o implementation timetable of no later than the occupation of 60% of the dwellings within that phase.

No dwelling within the phase hereby approved shall be occupied until the approved play provision for that phase has been installed in accordance with the approved details and implementation timetable. The approved play provision shall thereafter be retained and maintained.

REASON: To ensure the provision of high-quality play spaces, in accordance with Policies DES4 and CFLR1 of the East Herts District Plan 2018.

32. **Details of landscaping**

Prior to the commencement of any above ground construction works for each phase/sub phase of the development, full landscaping details for that phase/sub phase consistent with the reserved matters shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

o Hard surfacing materials;

o Soft landscaping proposals;

o Retained landscape features;

o Planting plans detailing schedule of plants, species, planting sizes and density of planting

o Areas for community gardens for food growing / edible landscaping if appropriate for that phase, and

o An implementation timetable.

Thereafter, the site covered by that phase/sub phase shall be landscaped in full accordance with the approved details and implementation timetable.

REASON: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with Policies DES3 and DES4 of the East Herts District Plan (2018).

33. **Details of landscape maintenance**

Prior to the first occupation of each phase/sub phase of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years, following completion of that phase/ sub phase of the development, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

REASON: To ensure the maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

34. **Habitat Management & Monitoring plan**

Prior to the first occupation / use of each phase or sub phase of development hereby approved, a Habitat Management & Monitoring Plan (HMMP), in line with the statutory HMMP template and informed by the Statutory Metric, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This HMMP shall demonstrate that a biodiversity net gain would be achieved on the site and shall also include:

o Descriptions and evaluations of features to be managed;

o Aims and objectives of management;

o Appropriate management options for achieving target condition for habitats as

described in the metric;

o Details of management actions;

o Details of the body or organisation responsible for implementation of the plan;

o Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;

Details of species and mixes selected to achieve target habitat conditions as identified in the metric.

The phase of development shall be implemented and retained in full accordance with the approved HMMP. A Biodiversity Gain Plan is required separately to discharge the general biodiversity gain condition prior to commencement. A draft of this BGP will be produced alongside the above HMMP.

REASON: To ensure that a biodiversity net gain is delivered and habitats are appropriately managed, in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and Schedule 14 of the Environment Act (2021).

35. **Ecological enhancements**

Prior to the commencement of each phase or sub phase of development hereby approved, details of the ecological enhancements on that phase of the site and timetable for implementation, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in the submitted Ecological Appraisal and

consistent with the reserved matters, shall be submitted to, and approved in writing by the Local Planning Authority.

No occupation / first use for that phase shall take place until the approved details have been implemented in accordance with the approved details. The approved ecological enhancements shall thereafter be retained.

REASON: In order to create opportunities for wildlife, in accordance with Policy NE3 of the East Herts District Plan 2018.

36. **Details of housing mix and tenure**

Concurrent with the submission of reserved matters for each following phase or sub phase, the housing mix for that phase shall be submitted to and agreed in writing by the local planning authority. This shall include a schedule of the mix of house types and sizes to be provided within the reserved matters, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed. The approved details shall be adhered to in the reserved matters applications submitted for that phase or sub phase.

REASON: To ensure that an adequate mix of housing by unit/tenure/position is provided

37. **Details of fire hydrants**

Prior to occupation / use of each phase or sub phase of development details of fire hydrant provision for that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented in full prior to first occupation / use of the development and thereafter retained and maintained.

REASON: In order to make adequate provision for fire hydrants and to ensure fire safety for future occupiers.

38. **Noise mitigation**

Prior to first occupation / use of each phase or sub phase of development, details of noise mitigation measures, to ensure internal noise levels within that part of development accord with relevant standards (BS 8233:2014), shall be submitted to and approved by the local planning authority. The hereby approved details shall thereafter be implemented and thereafter retained and maintained in perpetuity.

REASON: To safeguard the amenity of future occupiers.

39. **M4(2) dwellings**

All dwellings within the development (except those completed to M4(3) requirements) hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) and shall be retained as such thereafter.

REASON: To ensure that the proposed development is adequately accessible for future occupiers.

40. **M4(3) dwellings**

At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To ensure that the proposed development is adequately accessible for future occupiers.

41. **NDSS compliance**

Reserved Matters Applications shall demonstrate that all the residential units hereby approved will be designed and constructed to meet the standards contained within the Nationally Described Space Standards.

REASON: To ensure that reasonable living conditions are provided for future occupiers

42. **Trees and hedgerows retained**

All existing trees and hedges shall be retained, unless shown on the approved drawing BHA_5798A_02 as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

REASON: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

43. **Pre commencement**

Prior to the commencement of each phase/sub phase of the development, a Tree Protection Plan showing how retained trees and hedgerows will be protected in accordance with Condition 43 shall be submitted to and approved in writing by the local planning authority. The construction phase of the development shall be undertaken in full compliance with the Tree Protection Plan.

REASON: To ensure adequate protection of trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

44. **Unexpected contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not result in risk of water pollution and in the interests of ensuring that the occupiers of the development are not at risk from unidentified contamination sources, in accordance with Policies WAT3 and EQ1 of the East Herts District Plan 2018.

45. **Pavilion**

Notwithstanding the details shown on the Building Heights Parameter Plan approved under condition 1, the Sports Pavilion identified on the Land Use Components Plan shall be no greater than 8m in height.

REASON: To comply with the provisions of the outline planning permission including the parameters assessed, considered, and established by this permission.

46. **Local Centre**

Prior to commencement of the development, full details in relation to the marketing and delivery of the Local Centre identified on the Land Use Components Plan shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

a. Details of how and when the units in the Local Centre will be marketed (to include marketing of the units prior to first occupation of any approved residential dwelling and for the duration of the construction of the development (unless fully occupied), and the submission of evidence of marketing to the local planning authority to allow for 6 monthly reviews by the local planning authority;

b. Details of the size, location and timetable for provision of the temporary retail/community provision within the Local Centre (to include the construction of the temporary provision prior to the occupation of the 100th dwelling and its removal only when the permanent facilities are established).

Thereafter, the development shall be implemented, in accordance with the approved details.

REASON: To ensure that future occupiers have the potential to access local services on site and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policies DPS1 and TRA1 of the East Herts District Plan.

47. **Local Centre**

Prior to the occupation of the 500th dwelling, the buildings proposed to accommodate at least 435 square metres of retail floorspace (Use Class E) shall be erected in their approved location with only internal works remaining to these buildings to enable them to be occupied.

REASON: To ensure that future occupiers have the potential to access local services on site and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policy TRA1 of the East Herts District Plan.

48. **No change of use class E to residential**

Notwithstanding the provisions of Article 3(1) and Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order

2015 (or any order revoking and re-enacting that Order with or without modification), no local centre class E floorspace shall be occupied at any time for purposes within class C3.

REASON: To ensure that future occupiers have the potential to access local services on site and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policy TRA1 of the East Herts District Plan.

- End of Conditions -

APPEARANCES

For the Local Planning Authority:

Josef Cannon KC

He called:

- Kate Carpenter, Jacobs
- Richard Lewis, ActivePlanning
- Phillip Hughes, PHD Chartered Town Planners Limited

Round table landscape discussion – Robert Browne, Wynne-Williams Associates

Round table planning obligation discussion – Mr Neil Button, East Hertfordshire District Council; Steve-Frazer Lym, East Hertfordshire District Council; Jamie Glazebrook, Hertfordshire County Council Education Authority, Kate Ma, Hertfordshire County Council Education Authority; Oliver Sowerby, Hertfordshire County Council Highway Authority

Round table planning conditions discussion – Phillip Hughes, PHD Chartered Town Planners Limited

For the Appellant:

Stephanie Hall, Barrister

She called:

- Peter Blaire, Tetra Tech
- James Duffy, Ridge and Partners LLP

Martin Carter KC

He called:

- Gary Stephens, Marrons

Round table landscape discussion – Natasha Jones, Stantec

Round table planning obligation discussion – Cairo Nickolls, Freeths LLP, and Ben Hunter, Education Facilities Management Ltd

Round table planning conditions discussion - Gary Stephens, Marrons

Other Interested Persons:

Councillor Duncan Wallace – Buntingford Town Council

Councillor Sue Nicholls – Buntingford Town Council

Chris Berry – CPRE Hertfordshire

Tracey Russ (resident of Throcking)

Documents Submitted at the Inquiry

ID1 – Appearances on behalf of the appellant

ID2 – Appearances on behalf of the Local Planning Authority

ID3 - Opening statement on behalf of the Local Planning Authority

ID4 – Opening statement on behalf of the appellant

ID5 – written statement from Chris Berry of CPRE Hertfordshire

ID6 – written statement and photographs from Tracey Russ and including comments from the Development Management Forum

ID7 – Education statement of common ground

ID8 – Written summary position of Robert Browne, Wynne-Williams Associates as part of the landscape round table discussion

ID9 – Written summary position of Natasha Jones, Santec as part of the landscape round table discussion

ID10 – East Hers District Local Plan inset map 1 showing the settlement boundary for Buntingford

ID11 – Grid reference Automatic Traffic Survey locations to the north and south of the Baldock Road roundabout - annotated on Google maps

ID12 – Correction and replacement for pages 137 and 139 of Peter Blaire's proof of evidence

ID13 – Summary of agreed draft section 106 agreement prepared by Freeths

ID14 – Hertfordshire County Council Education Authority note relating to the need for a fist school on the site

ID15 – Draft agreed planning obligation submitted on 11 September 2026

ID16 – Council's closing submissions

ID17 – Appellant's closing submissions

Appendix H

Lydiard Appeal Decision

Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2026

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2026

Appeal Ref: 6001260
Paddock land adjoining 39a Stone Lane, Lydiard Millicent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Hills Homes Developments against the decision of Wiltshire Council.
- The application Ref is PL/2024/07426.
- The development proposed is development of site to provide 9 dwellings, with associated landscaping, sustainable drainage and primary vehicular access from Stone Lane.

Decision

1. The appeal is allowed and planning permission is granted for development of site to provide 9 dwellings, with associated landscaping, sustainable drainage and primary vehicular access from Stone Lane at Paddock land adjoining 39a Stone Lane, Lydiard Millicent, in accordance with the terms of application Ref. PL/2024/07426 and subject to the Schedule of Conditions to this Decision.

Preliminary Matter

2. Following the submission of the appeal, a new National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were afforded an opportunity to comment on any implications arising from this. I have taken those submissions into account and have determined the appeal having regard to the Framework in force at the date of this Decision.

Main Issues

3. The main issues are:

   i) whether the site is a suitable location for housing having regard to the development plan and national policy; and

   ii) the effect of the proposal on highway safety.

Reasons

Suitability of location

4. The appeal site lies outside any defined settlement boundary and is therefore located within the countryside for the purposes of the development plan. Core Policy 1 of the Wiltshire Core Strategy (WCS) establishes the settlement hierarchy and directs most development towards the settlements identified within that hierarchy. WCS Core Policy 2 reinforces that approach by limiting development in the countryside to forms of development specifically supported by policy, whilst

WCS Core Policy 19 seeks to deliver growth within the Royal Wootton Bassett and Cricklade Community Area in accordance with the overarching spatial strategy.

5. The proposal would comprise residential development on unallocated land outside any defined settlement boundary and would not fall within any of the exceptions envisaged by those policies. Consequently, it would conflict with the settlement strategy of the development plan.

6. Whilst primarily a design policy, Policy LM1 of the Lydiard Millicent Neighbourhood Plan (NP) expressly supports infill development within the built area of Lydiard Millicent in accordance with Core Policies 1 and 2. The proposal would not constitute infill development within the built area of the village and would instead extend built form beyond the existing settlement edge. It therefore does not attract the support anticipated by that policy.

7. In reaching this finding, I have also had regard to the site's relationship with surrounding development and services. Whilst future occupiers would be likely to rely to some degree upon private car travel, the appeal site is not isolated from existing built development. It adjoins residential development associated with Common Platt and would benefit from connections to the wider pedestrian network, including the proposed footway link and associated pedestrian improvements. The site therefore occupies a location that is reasonably connected to surrounding development. Nevertheless, it remains outside any defined settlement boundary and is not a location identified for housing growth under the development plan. These considerations do not alter my finding of conflict with the settlement strategy, although they are relevant to my assessment of national policy later in this decision.

8. Taken together, these policies seek to direct housing growth towards planned and sustainable locations whilst protecting the countryside from unjustified encroachment and maintaining the distinctive character of Lydiard Millicent. I therefore find that the site is not in a suitable location for housing having regard to the spatial strategy of the development plan, particularly Core Policies 1, 2 and 19 of the WCS, and conclude that the proposal would not attract the support envisaged by Policy LM1 of the NP.

Highway Safety

9. Stone Lane is a narrow carriageway of varying width and opportunities for pedestrian movement are currently limited. Based on my observations, I also acknowledge that larger vehicles would occasionally encounter difficulties passing one another and that some vehicles may need to wait or manoeuvre to negotiate constrained sections of the carriageway.

10. I accept that the proposed access would utilise a constrained section of Stone Lane. However, following amendments to the access position, visibility arrangements and supporting swept-path analysis, the Local Highway Authority was satisfied that the proposal could be accommodated safely and I have been presented with no substantive technical evidence that would justify departing from that specialist advice.

11. I have also considered in detail concerns regarding the relationship between the proposed site access and the existing accesses serving 39 and 40 Stone Lane. A number of interested parties contend that the submitted plans either failed to accurately depict, or did not sufficiently acknowledge, the driveway serving 39

Stone Lane and consequently understated the potential for conflict between vehicles entering and leaving the existing properties and those accessing the proposed development. Similar concerns have been raised regarding the constrained nature of this section of Stone Lane, its proximity to the Common Platt junction and the effect of those constraints on vehicle movements.

12. However, the existence and position of the accesses serving Nos 39 and 40 Stone Lane were identified during the application process and formed the subject of consultation responses. Further swept-path analysis was undertaken and the access arrangements amended, including revisions to the bell-mouth geometry and visibility provision. Following consideration of those matters, the Local Highway Authority withdrew its objection and concluded that the proposal was acceptable in highway terms. The revised arrangements were also intended to ensure that the necessary visibility splays and associated highway works could be accommodated within land under the applicant's control or within the public highway.

13. The pedestrian arrangements also evolved during the application process following concerns raised regarding the original footway proposal along Stone Lane. The final scheme omits part of the footway provision originally proposed.

14. Consequently, pedestrians travelling between the two footway sections would be required to walk within the carriageway for a short distance of about 43m before rejoining a segregated route. Nevertheless, the revised scheme retains footway provision where it can practicably be accommodated and incorporates dropped kerbs, corduroy tactile paving and pedestrian visibility splays at both transition points.

15. Furthermore, the evidence indicates that vehicle speeds on Stone Lane are relatively low at the point where pedestrians would be required to walk within the carriageway. Those conditions are an important factor in assessing the safety of the proposed pedestrian arrangements and weigh in favour of the proposal.

16. Traffic flows are also relatively modest. Whilst I recognise local residents' concerns regarding larger vehicles and occasional congestion, the available evidence does not indicate a heavily trafficked road environment.

17. The submitted transport evidence also indicates that the development would generate only modest levels of pedestrian activity. Whilst such forecasts are estimates, they support the conclusion that pedestrian movements associated with the proposal would be limited.

18. The available accident records identify very few recorded personal injury accidents within the study area over an extended period and no recorded pedestrian injury accidents. Whilst residents refer to incidents and near misses that may not have been formally recorded, I nevertheless attach considerable weight to the objective accident evidence before me.

19. In addition, gateway features, speed reduction measures, roundel markings and carriageway narrowing would reinforce the existing 30mph speed limit on Stone Lane, providing wider highway safety benefits for both future occupiers and existing users of the highway.

20. Drawing these matters together, I have had regard to the proposed site access, visibility provision, swept-path analysis, pedestrian arrangements, accident history,

traffic conditions and the wider highway mitigation measures. Whilst a continuous segregated footway would be preferable, pedestrians would be required to walk within the carriageway only for a short distance in circumstances where vehicle speeds and traffic volumes are relatively low. Having regard to those factors, I am satisfied that safe and suitable access can be achieved for all users, including pedestrians and other vulnerable road users.

21. Accordingly, I am not persuaded that the proposal would result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. The proposal would therefore comply with Core Policy 61 of the WCS and Policy TR4 of the Framework, which seek to ensure that development provides safe and suitable access for all users and that transport impacts can be satisfactorily addressed.

Other considerations

22. The revised Framework introduces a new structure for decision-making through its Policies. The appeal site lies outside any defined settlement boundary and therefore Policy S5 of the Framework is relevant. Policy S5(1)(j) expressly supports development outside settlements where there is evidenced unmet housing need, including where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, provided that the development is physically well-related to an existing settlement and is of a scale capable of being accommodated by existing or proposed infrastructure.

23. The Council accepts that it can currently demonstrate only approximately 2.03 years of housing land supply and therefore cannot demonstrate a five-year supply of deliverable housing sites. Accordingly, the unmet housing need element of Policy S5(1)(j) is satisfied.

24. The Council argues that the site is not physically well-related to a settlement because it lies some distance from the main built form of Lydiard Millicent and lacks a continuous protected pedestrian route. Whilst I have taken those matters into account, I do not read Policy S5 of the Framework as requiring a site to adjoin the principal built form of a particular settlement or to be served by a continuous segregated footway. Rather, the policy requires an assessment of whether a site is physically well-related to an existing settlement.

25. In this respect, the appeal site adjoins established residential development associated with Common Platt and is closely related to the wider developed edge of western Swindon. Whilst the absence of a continuous segregated footway weighs against the proposal, I do not consider that factor alone demonstrates that the site is not physically well-related to existing settlement development. Taking account of its relationship with surrounding development, the proposed pedestrian improvements and the scale of the proposal, I am satisfied that the site is physically well-related to an existing settlement for the purposes of Policy S5(1)(j)(i).

26. Furthermore, no objection has been raised by any infrastructure provider or technical consultee and no substantive evidence has been presented to demonstrate that the development would exceed the capacity of existing or proposed infrastructure.

27. Accordingly, whilst the proposal conflicts with the development plan settlement strategy, it falls within the category of development identified by Policy S5(1)(j) of

the Framework. That policy indicates that such development should be approved unless its benefits are substantially outweighed by adverse effects. I therefore attach significant weight to that national policy support in the overall planning balance.

28. Although I have found conflict with the spatial strategy of the development plan, I have also had regard to Annex A of the Framework and the parties' submissions regarding the weight to be afforded to relevant development plan policies. I acknowledge the Council's position, which I broadly accept, that aspects of Core Policies 2 and 19 which restrict development outside defined settlement boundaries are materially inconsistent with Policy S5 of the Framework and, to that extent, attract very limited weight. Nevertheless, those policies continue to form part of the development plan and the conflict identified above remains a matter weighing against the proposal.

29. Policy HO7 of the Framework states that substantial weight should be given to the benefits of providing homes which contribute towards meeting identified housing needs. In this case, the proposal would provide nine dwellings at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites. Whilst limited in scale, the proposal would nevertheless make a meaningful contribution towards addressing the significant identified housing shortfall and I attach substantial weight to that benefit.

30. Furthermore, the proposal would contribute towards the vitality of local services and facilities, generate economic benefits during both the construction and occupation phases of the development, and provide biodiversity enhancements. I attach moderate weight to these benefits collectively.

Other Matters

31. The appeal site lies within the outer Zone of Influence (4.2km-9.4km) of the North Meadow and Clattinger Farm Special Area of Conservation (SAC). Residential development within this zone has the potential to increase recreational pressure on the SAC, either alone or in combination with other plans and projects.

32. As the competent authority, I have undertaken an Appropriate Assessment pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended). I am satisfied that likely significant effects on the SAC cannot be excluded in the absence of mitigation.

33. A Unilateral Undertaking dated 20 October 2025 has been submitted pursuant to section 106 of the Town and Country Planning Act 1990. It secures a Strategic Access Management and Monitoring (SAMM) contribution of £2,984.49 towards implementation of the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023-2028. The contribution must be paid prior to commencement of development.

34. I am satisfied that the obligation meets the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and I have therefore taken it into account in determining the appeal.

35. Based on the evidence before me, including the Council's ecological assessment, the Appropriate Assessment undertaken by the Council, the views of Natural England and the completed Unilateral Undertaking, I conclude that the proposed

development would not adversely affect the integrity of the North Meadow and Clattinger Farm SAC, either alone or in combination with other plans or projects.

36. Concerns have been raised regarding flood risk and the potential for soakaways to exacerbate flooding affecting neighbouring properties, particularly given the elevated position of the site and local ground conditions. However, the Council's drainage adviser raises no objection in principle, subject to conditions. Those conditions would require demonstration that flood risk would not increase elsewhere and that infiltrated flows would not adversely affect neighbouring land. In the absence of compelling technical evidence to the contrary, I have no basis to conclude that the proposal would result in unacceptable flood risk.

37. I recognise concerns that the proposal would erode the open land separating Common Platt, Lydiard Millicent and the western edge of Swindon. The development would reduce the extent of undeveloped land in this location and would represent a noticeable encroachment into the countryside. However, it would neither physically coalesce the settlements nor remove all of the remaining open land between them. Whilst concerns regarding precedent are understandable, any future development proposals would be assessed on their own merits. I therefore attach only limited weight to concerns regarding future development beyond the identified development plan conflict. The proposal's encroachment into currently undeveloped land nevertheless attracts limited adverse weight, which I have taken into account as part of the overall conflict with the development plan.

38. The proposed dwellings would inevitably alter the outlook of neighbouring occupiers who currently adjoin open land. However, changes in outlook and the introduction of additional activity are normal consequences of residential development. From the evidence before me, and taking account of the separation distances and layout shown on the submitted plans, I am not persuaded that the proposal would result in unacceptable overlooking, loss of privacy or other living condition impacts sufficient to justify dismissal of the appeal. I have also considered concerns regarding vehicle headlights from traffic using the proposed access. However, having regard to the modest scale of the development, the anticipated level of vehicle movements and the existing highway environment, I am satisfied that any light intrusion would be limited and would not materially harm the living conditions of neighbouring occupiers.

39. The Council's Housing Enabling Team confirms that the application proposes between five and nine dwellings on a site measuring less than 0.5 hectares and therefore falls below the threshold at which affordable housing provision is required by adopted policy. On the evidence before me, I have no basis to conclude that the proposal fails to comply with the relevant affordable housing policy requirements.

40. The site is of relatively limited ecological value. The proposal incorporates ecological mitigation and enhancement measures, including habitat creation, ecological management, biodiversity enhancement features and biodiversity net gain. Whilst interested parties have sought additional measures, including enhanced swift nesting provision, such matters can be appropriately secured through the detailed discharge of planning conditions and the biodiversity measures proposed. Subject to the imposition of suitable conditions relating to ecological mitigation, habitat management and external lighting, I am satisfied that the proposal would not result in unacceptable harm to biodiversity or ecological interests and that these matters do not weigh against the proposal.

41. A number of interested parties express concern regarding the ability of children and other pedestrians to travel safely to schools, bus pick-up points and nearby facilities, particularly given the constrained nature of Stone Lane and the absence of a fully segregated pedestrian route throughout. I understand those concerns. However, neither the Highway Authority nor the Education Authority has identified the proposal as giving rise to unacceptable impacts in this regard and no objection has been raised on school transport, school accessibility or education capacity grounds. Whilst the absence of a continuous footway has been emphasised by interested parties, the evidence before me does not demonstrate that journeys to schools, school transport pick-up points or nearby facilities would be unsafe. In the context of a development of only nine dwellings, and having regard to my conclusions on highway safety generally, I attach limited weight to these concerns.

42. Whilst these matters have informed my assessment, none lead me to a different conclusion on the main issues before me.

Conditions

43. I have considered the conditions suggested by the Council having regard to the advice contained within the Framework and Planning Practice Guidance. In addition to the standard time limit for implementation, I have imposed a condition identifying the approved plans and documents in the interests of certainty.

44. Conditions are imposed requiring biodiversity enhancement measures, a Landscape and Ecology Management Plan, and the approval and control of external lighting. These conditions are necessary in the interests of biodiversity conservation and enhancement and to ensure that the mitigation and enhancement measures relied upon in reaching my decision are secured and maintained for the lifetime of the development.

45. A condition requiring archaeological investigation and recording before development commences is necessary in order to safeguard and appropriately record any archaeological remains which may be affected by the development.

46. Having regard to local concerns regarding drainage and flooding, I am satisfied that the surface water drainage condition is necessary to ensure that flood risk is appropriately managed, infiltrated flows do not adversely affect neighbouring land and flood risk does not increase elsewhere.

47. Conditions are imposed requiring the provision of the approved footway link, visibility splays, estate roads, footpaths, turning facilities, parking areas and gateway feature, together with the submission and implementation of a Construction Management Statement. These measures are necessary to ensure that the development is served by a safe and suitable means of access for all users, including pedestrians, and to minimise disruption and risk during the construction phase.

48. Conditions requiring the submission of details of external materials, an updated Arboricultural Impact Assessment including tree protection measures, and the implementation and maintenance of the approved landscaping scheme are necessary to safeguard the character and appearance of the area, secure a high standard of design, protect retained trees and ensure the successful integration of the development within its surroundings.

49. A condition requiring obscure glazing to specified side-elevation windows is necessary in order to protect the privacy and living conditions of neighbouring occupiers and future residents.

50. Conditions 3 to 9 inclusive, which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for these to take the form of 'pre-commencement' conditions to have their intended effect.

51. Where necessary, and in the interests of precision, enforceability and clarity, I have amended the wording of the suggested conditions to ensure that they operate as intended and meet the relevant tests for planning conditions.

Planning Balance and Conclusion

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan unless material considerations indicate otherwise.

53. For the reasons given above, I have found that the proposal conflicts with the spatial strategy of the development plan. The proposal also does not fall within the form of development supported by Policy LM1 of the NP. It would also result in the loss of a modest area of undeveloped land. Whilst the site would benefit from the proposed pedestrian improvements, future occupiers would nevertheless be likely to rely to some extent on private car travel. These matters weigh against the proposal.

54. However, the Council cannot demonstrate a five-year supply of deliverable housing sites. The proposal would provide nine dwellings and thereby contribute towards addressing an identified housing shortfall. Consistent with my findings above in relation to Policy HO7 of the Framework, I attach substantial weight to that benefit.

55. I have also found that the proposal falls within the category of development expressly supported by Policy S5(1)(j) of the Framework. That policy support attracts significant weight in favour of the proposal and weighs heavily in the overall planning balance.

56. Additional benefits would arise through support for local services and facilities, economic activity, and biodiversity enhancements. I attach moderate weight to these benefits collectively.

57. Taking all matters into account, I find that the material considerations in favour of the proposal, including the support provided by Policy S5(1)(j), the contribution towards housing delivery in the context of a significant housing land supply shortfall and the associated social, economic and environmental benefits, outweigh the identified conflict with the development plan. Accordingly, material considerations indicate that planning permission should be granted notwithstanding that conflict.

58. I, therefore, conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawing No. 150 Rev A: Proposed Site Plan 1:500;
Drawing No. 151 Rev A: Site Plan 1:200;
Drawing No. 155 Rev A: Context Plan;
Drawing No. 160 Rev A: House type – Nettleton N1 (Plot 4);
Drawing No. 161 Rev A: House type – Nettleton N2 (Plot 8);
Drawing No. 162 Rev A: House type – Milbourne (Plot 3);
Drawing No. 163 Rev B: House type – Yatesbury (Plot 1);
Drawing No. 165 Rev A: House type – Cherhill (Plot 9);
Drawing No. 166: Garages Floor Plans and Elevations;
Drawing No. 170 Rev A: Proposed Site Sections;
Drawing No. 171 Rev A: Proposed Street Scenes;
Drawing No. 172: House type: Nettleton N1 (Plot 5);
Drawing No. 173: Nettleton N2 (Plot 7);
Drawing No. 174: House type – Milbourne (Plot 2);
Drawing No. 175: House type – Yatesbury (Plot 6);
Drawing No. 3143-5-2 DR-0001 Version P5: Landscape Masterplan;
Drawing No. 3143-5-2 DR-0002 Version P5: Hard Landscape Strategy;
Drawing No. 3143-5-2 DR-0003 Version P5: Planting Plan;
Technical Note 9151/01 Issue No. 2 'Response to Highway Authority Comments' and Enclosures;
Drawing No. 9151/202 Rev C: Site Access Detail and Visibility Splays;
Drawing No. 9151/203 Rev C: Proposed Footway Link;
Drawing No. 9151/206 Rev C: Gateway Feature at Change of Speed Limit;
Flood Risk Assessment and Drainage Strategy Issue No. 2;
Ecological Impact Assessment Revision C; and
Arboricultural Impact Assessment, dated 5 June 2023.

3) No development shall commence (including any vegetation removal and demolition) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in accordance with the approved details and maintained for the lifetime of the development.

4) No development shall commence (including any vegetation removal and demolition) until details of the number, design and locations of bird nesting features and bat roosting features (including, but not limited to, bat and bird boxes), together with an implementation timetable, have been submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement features shall be installed in accordance with the approved details

and implementation timetable and, in any event, prior to the occupation of the final dwelling, and shall thereafter be retained and maintained for the lifetime of the development.

5) No development shall commence, including any vegetation clearance or demolition, until:
a) a Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority; and
b) the archaeological fieldwork required by the approved WSI has been completed in accordance with the approved details.
The post-excavation assessment, analysis, publication and archive deposition shall be undertaken in accordance with the approved WSI.

6) No development shall commence (including any vegetation removal and demolition) until a detailed Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
a) be based on sustainable drainage principles;
b) include detailed drainage calculations, plans and construction details;
c) demonstrate that the drainage system can accommodate the 1 in 100 year rainfall event, including an appropriate allowance for climate change, without increasing flood risk on or off the site;
d) demonstrate that infiltration drainage measures will not result in the re-emergence of infiltrated flows or increased flood risk to neighbouring land;
e) include details of exceedance flow management; and
f) include arrangements for implementation, maintenance and long-term management.
The approved drainage strategy shall be implemented in accordance with the approved details and thereafter retained and maintained.

7) No development shall commence (including any vegetation removal and demolition) until a Construction Management Statement, together with a site plan, has been submitted to and approved in writing by the Local Planning Authority.
The Statement shall include details of:
a) parking of site operatives' and visitors' vehicles;
b) the number, size and routing of delivery and construction vehicles;
c) loading, unloading and storage of plant and materials;
d) wheel washing facilities; and
e) hours of construction and deliveries.
The approved Construction Management Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

8) Notwithstanding the submitted Arboricultural Impact Assessment, no development shall commence (including any vegetation removal and demolition) until an updated Arboricultural Impact Assessment has been submitted to and approved in writing by the Local Planning Authority. The updated Arboricultural Impact Assessment shall include details of demolition work in the vicinity of Tree T1 and Group G14 and how they will be protected during this process. Thereafter, the development shall be carried out in full accordance with the

approved Arboricultural Impact Assessment and associated tree protection measures.

9) No development shall commence (including any vegetation removal or demolition) until full construction details of the proposed footway between the junction of Stone Lane and Washpool, as shown on Drawing No. 9151/203 Rev. C and referred to in Technical Note 9151/01 (Response to Highway Authority Comments), have been submitted to and approved in writing by the Local Planning Authority. The approved footway shall be completed prior to the first occupation of any dwelling.

10) No above-ground construction shall take place until details and samples of the materials to be used in the external walls and roofs of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

11) No part of the development shall be first occupied until the visibility splays shown on Drawing No. 9151/202 Rev C have been provided and thereafter maintained free from any obstruction to visibility above a height of 900mm measured from the adjacent carriageway level.

12) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before the occupation of each dwelling, a properly consolidated and surfaced footpath and carriageway to at least base course level has been provided between that dwelling and the existing highway. Any access, turning area and parking spaces required to serve a dwelling shall be completed in accordance with the approved plans prior to the occupation of that dwelling. All roads, footpaths and turning areas shall be completed to their final surfacing and finished levels prior to the occupation of the final dwelling and shall thereafter be retained for their intended purpose.

13) All soft landscaping shown on the approved Planting Plan shall be carried out during the first planting season following the first occupation of any dwelling or the completion of the development, whichever is the sooner. Any trees, shrubs or plants which, within five years of planting, die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall be completed prior to the occupation of the final dwelling or in accordance with a programme first approved in writing by the Local Planning Authority.

14) No part of the development shall be first occupied until the gateway feature shown on Drawing No. 9151/206 Rev C has been provided in accordance with the approved details. The gateway feature shall thereafter be retained.

15) Prior to the first occupation of the dwellings on Plots 2, 3, 4, 5, 7 and 8, all side elevation windows above ground floor level serving habitable rooms shall be fitted with obscure glazing and any part of those windows below 1.7 metres above the floor level of the room in which they are installed shall be non-opening. The windows shall thereafter be permanently retained in that form.

16) No external lighting shall be installed within the site until details of all existing and proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the lighting will avoid adverse effects on bat habitat. The lighting shall be installed and maintained in accordance with the approved details.

Appendix I

Heritage Statement - Pegasus

Heritage Addendum.

Project name:	**Land west of Tattenhall Road, Tattenhall, Cheshire**
Date:	October 2026
Project number:	P24-2708
LPA Reference:	25/01764/OUT

Introduction

1.1. Pegasus Group have been commissioned by Gladman Developments Limited to prepare a Heritage Addendum with respect to the proposed residential development on land west of Tattenhall Road, Tattenhall, Cheshire, for which an outline planning application was submitted to Cheshire West and Chester Council in June 2025 (Application Ref. No. 25/01764/OUT).

1.2. A non-determination appeal for the application was lodged on 24th July 2026 (Ref. No. 6013490), with the Council having since refused the outline application.

1.3. As part of the outline planning application, the Council's Conservation Team did not object to the proposals, and noted the following within their consultation response:

"Greaves Farm has been identified by the Team as a potential Non-designated heritage asset. No further information has been received to address this. As such, the Team highlight this point for consideration at the design stage."

1.4. This Heritage Addendum has been produced in response to the above comment from the Council's Conservation Team, to assess the heritage significance of Greaves Farm, and to understand whether its significance would be considered commensurate with that of a non-designated heritage asset, and, if so, whether any harm would result from the proposed development.

1.5. This Addendum should be read in conjunction with the Heritage Statement prepared by Pegasus Group in April 2025.

Greaves Farm

1.6. Greaves Farm is not statutorily Listed and is not recorded on Cheshire West's Local Heritage List, nor is it recorded on the Cheshire Historic Environment Record. However, the Council's Conservation Team had identified that Greaves Farm had the potential to represent a non-designated heritage asset within their consultation response for the refused outline planning application (Ref. No. 25/01764/OUT).

1.7. Access to Greaves Farm was not possible, with the farmstead representing private land accessed from a private road off Tattenhall Road. In addition to observations during the Site visit of 29th January 2025, this assessment has utilised online sources to understand the significance of Greaves Farm, including historic cartographic sources, recent sales records, and planning history records.

Historical Development

1.8. The first available cartographic source to depict Greaves Farm was Bryant's 1831 Map of the County Palatine of Chester (Plate 1). This noted the farmstead as named '*The Graves*', showing two rectangular buildings accessed from a road off the western side of Tattenhall Road.

1.9. The farmstead is depicted in greater detail on the 1848 Tithe Map (Plate 2). The farmstead was recorded under Plot C446, which was owned by Robert Bulkley Orton and occupied by Samuel Williamson. The plot was described as '*House, Building, Yard and Garden*'. The farmstead was broadly shown within a loose courtyard formation, with a rectangular plan farmhouse with an eastern projection shown within the western extent of the farm. A rectangular structure was shown adjacent to the east, with another long rectangular building with southern projections shown to the south-east. Two small outbuildings were also shown at the edges of the farmstead. An access track is shown as extending from the eastern side of the farmstead and connecting with Tattenhall Road to the east.

1.10. Robert Bulkley Orton and Samuel Williamson were recorded as owning and occupying extensive fields within the immediate vicinity of the farmstead (Plate 3). This included the land within the Site, recorded under Plots C448 and C449.

1.11. By the time the 1882 Ordnance Survey Map was drawn (Plate 4), the farmstead was noted as '*The Greaves Farm*', with gardens shown to the south and west of the Site, as well as an orchard to the west. An outbuilding to the north of the farmhouse had been extended westwards by this date, with a northern extension added to the agricultural range to the east. The mapping also showed a footpath extending from the farmhouse southwards across agricultural field parcels.

1.12. The 1899 Ordnance Survey Map (Plate 5) shows the farmhouse as a square shaped structure; however, the mapping appears to have amalgamated the farmhouse and adjacent outbuilding, which are noted as two distinct buildings on the subsequent 1912 Ordnance Survey Map. The 1912 Ordnance Survey Map (Plate 6) also appears to show that a narrow rectangular structure had been built immediately adjacent to the north of the farmhouse.

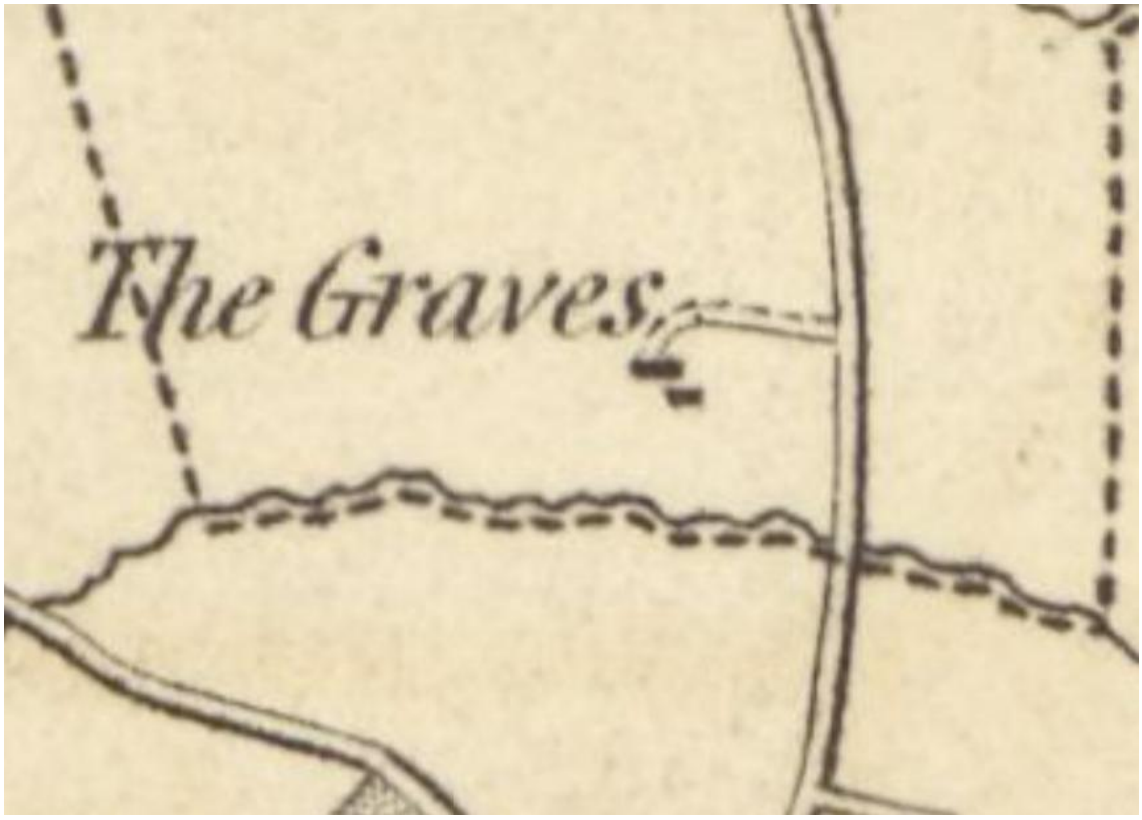


Plate 1: Bryant's 1831 Map of the County Palatine of Chester, showing Greaves Farm (NLSM).



Plate 2: The 1848 Tithe Map with Greaves Farm shown (Cheshire Tithe Maps).

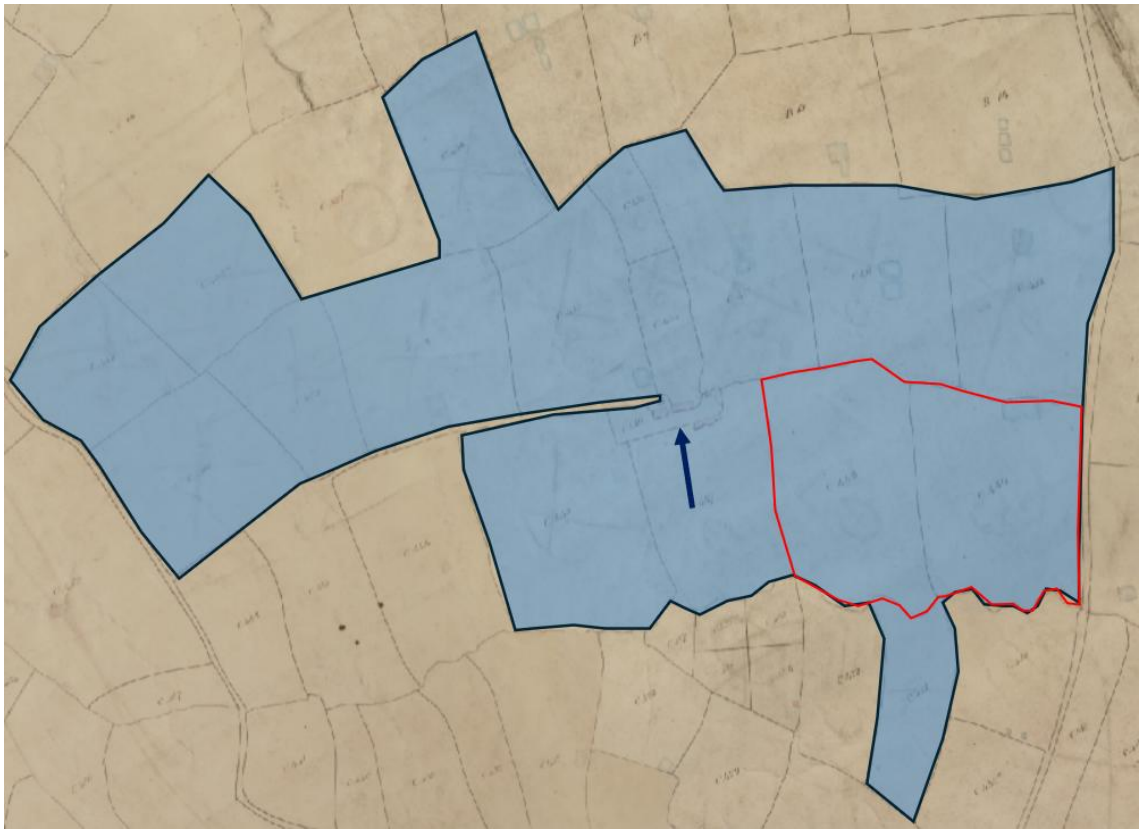


Plate 3: Land farmed by the occupant of Greaves Farm (blue arrow), including the Site (red).



Plate 4: The 1882 Ordnance Survey Map, showing Greaves Farm (NLSM).

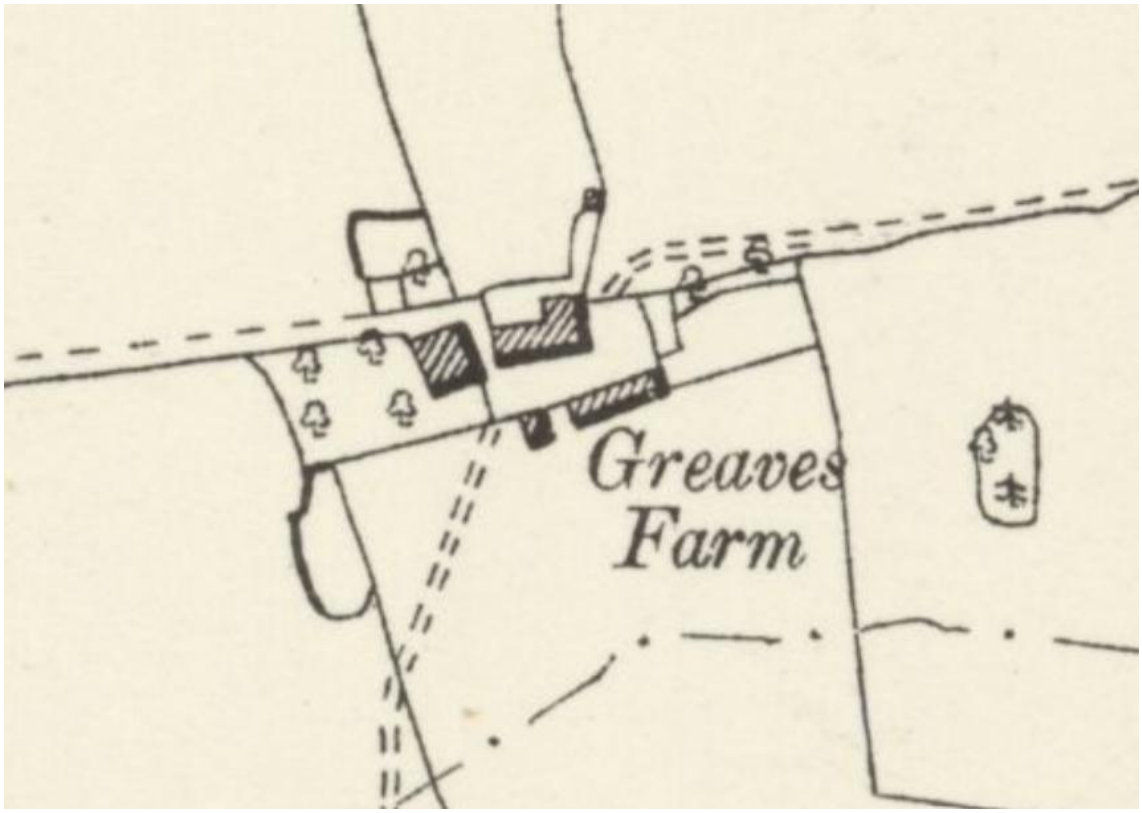


Plate 5: The 1899 Ordnance Survey Map, showing Greaves Farm (NLSM).

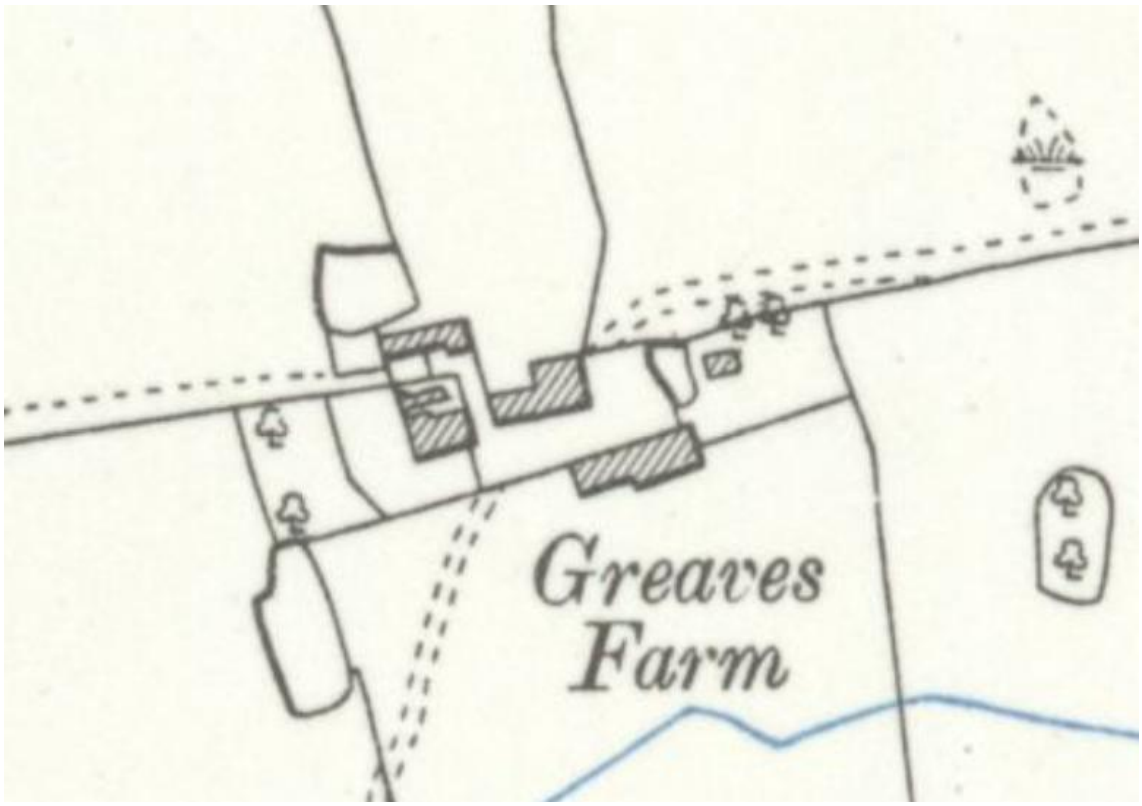


Plate 6: The 1912 Ordnance Survey Map, showing Greaves Farm (NLSM).

1.13. By the time the 1954 Ordnance Survey Map was drawn (Plate 7), a large extension had been added to the eastern side of the south-eastern agricultural range at the farmstead. No other notable changes are identified within the farm or its immediate surrounds.

1.14. The 1971 National Grid Map (Plate 8) showed that an extension had been added to the western side of the farmhouse, with larger extension also shown on the northern side of the farmhouse, which appears to have replaced or extended an earlier projection. A large, modern agricultural building had also been constructed within the eastern extent of the Site by the time the mapping was drawn, which replaced an earlier rectangular structure.

1.15. An application for the conversion of the south-eastern agricultural range to 2no. dwellings was approved on 9th March 1993 (Ref. No. 6/25987, Plate 9). Drawings submitted as part of the application illustrated that the building had represented a traditional cow house with hayloft above. The development works had taken place by satellite imagery from 2005 (Plate 10), which shows that the works included the creation of rear gardens to the south of the converted range. This imagery showed that the farmstead had continued to be surrounded by agricultural field parcels at this time, and accessed from the road to the east.

1.16. Up to present day (Plate 11), extensions had been added to the southern side of the converted former cow house, with no other changes of note identified to the farmstead and its immediate surrounds.

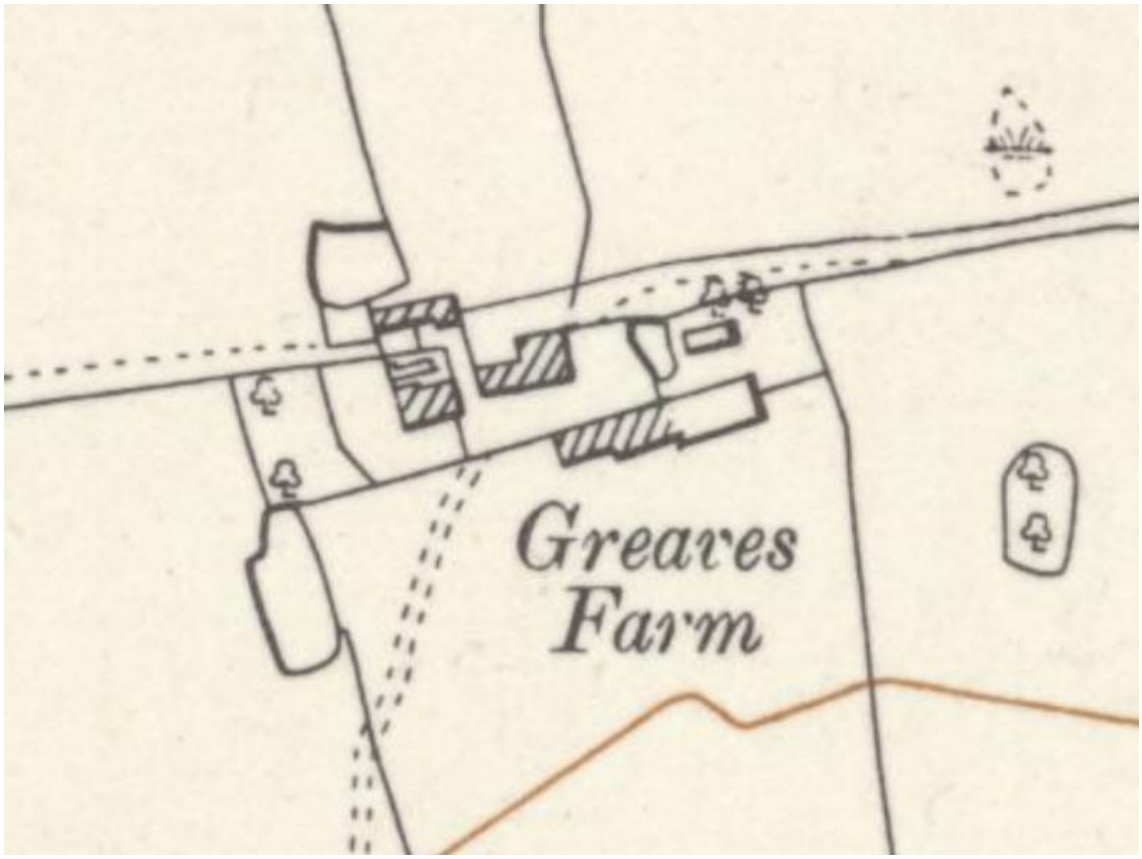


Plate 7: The 1954 National Grid Map, showing Greaves Farm (NLSM).



Plate 8: The 1971 National Grid Map, showing Greaves Farm (NLSM).

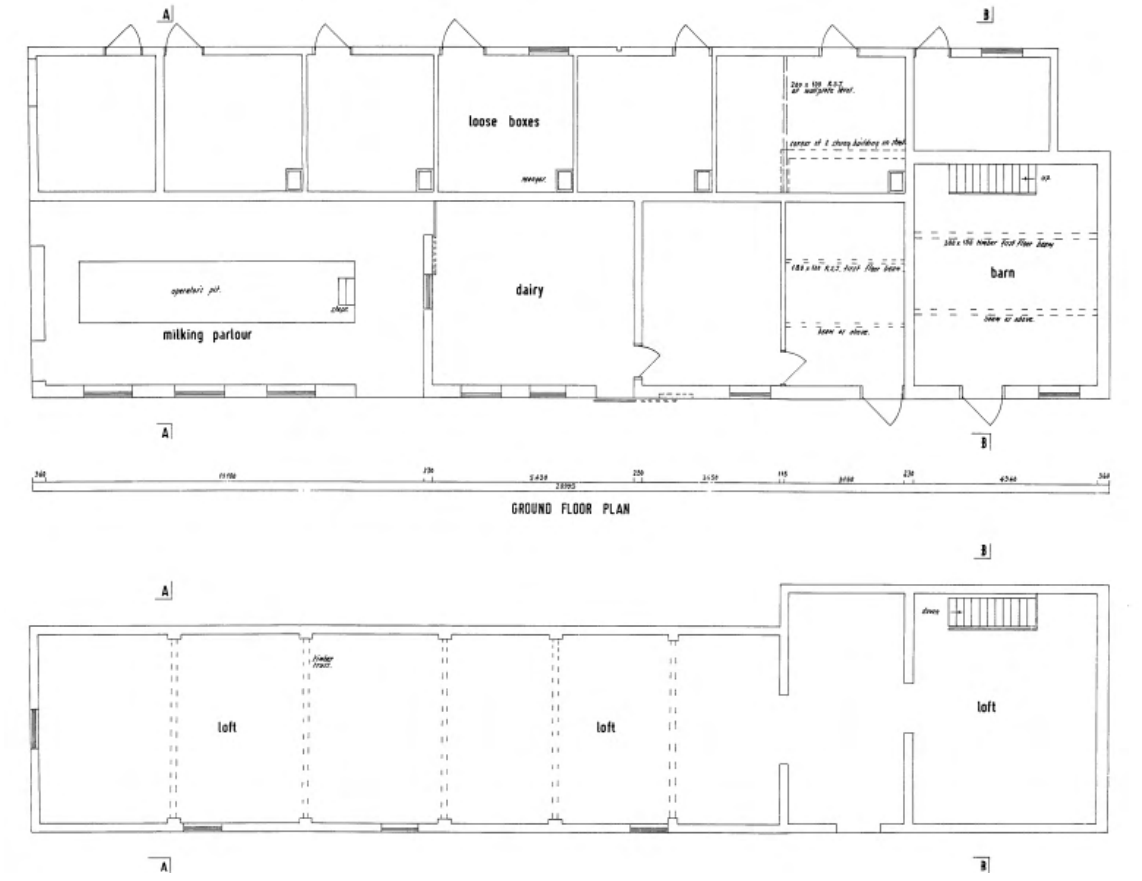


Plate 9: Plans of cow house prior to its conversion to two dwellings (Ref. No. 6/25987).



Plate 10: Satellite imagery from 2005, showing Greaves Farm (Google Earth).



Plate 11: Present day satellite imagery, showing Greaves Farm (Google Earth).

Building Analysis

1.17. Greaves Farm includes four buildings noted on historic cartographic sources, comprising the farmhouse (Building 1), northern outbuilding (Building 2), eastern agricultural range (Building 3), and the converted cow house (Building 4).



Farmhouse (Building 1)

1.18. The farmhouse comprises a two-storey structure, which likely dates from the early 19th century (Plate 12, Plate 13). It is primarily faced with a modern painted render, with its ground floor southern elevation built from red brick. The building has a pitched slate roof with ridge tiles, which is gabled to the west and east, including two short chimneystacks. The farmhouse has several modern extensions, including two-storey and single-storey flat roofed extensions on its northern side, as well as a single-story flat roofed extension on its western side. The building has been extensively modernised, including a range of modern uPVC windows to all elevations, and with a modern canted bay window on its southern elevation.

1.19. Photographs of the building from the recent sales records evidence that it has been extensively modernised internally, with no notable features of interest identified.[1]

[1] Rostons. Greaves Farm. https://rostons.co.uk/land-property-sales/greaves-farm-tattenhall-road-newton-by-tattenhall-ch3-9na/



Plate 12: The farmhouse (Building 1) and agricultural range (Building 3) at Greaves Farm (Rostons).



Plate 13: The southern side of the farmhouse (Building 1) at Greaves Farm, including the barn range to the right (Rostons).

Northern Outbuilding (Building 2)

1.20. The northern outbuilding (Plate 14) comprises a single-storey open sided structure, which was likely used as a cart store or garage. The building likely dates from the early 19th century, with it depicted on the 1848 Tithe Plan. It is built from red brick and has a pitched slate roof with ridge tiles, gabled to the west and east. The structure includes a flat roofed garage extension on its western side. The southern elevation includes two open-sided compartments, with brickwork present to the flooring.



Plate 14: Photograph showing the southern side of the northern outbuilding (Building 2) (Ref. No. 26/00302/PDR).

Agricultural Range (Building 3)

1.21. The agricultural range (Plate 15, Plate 16) comprises a two-storey structure, which was present on the 1848 Tithe Map, and likely dates from the early 19th century. The core structure is built from red brick with brick dressings, and has a pitched roof gabled to the west and east, covered with modern corrugated sheet cladding. The building includes a two-storey brick extension added to its eastern side, with a single-storey mono-pitched brick extension attached to its northern side. These both appear to have been built by the mid-19th century, being first clearly depicted on the 1882 Ordnance Survey Map.

1.22. The agricultural range comprises a traditional vernacular farm building, which includes a range of diamond vent lights, with window and door apertures including segmental arches with brick voussoirs. A range of modern inserted apertures with brick and timber lintels have been added to the building.



Plate 15: Agricultural range at Greaves Farm (Building 3) (Ref. No. 26/00302/PDR).



Plate 16: Agricultural range at Greaves Farm (Building 3) (Ref. No. 26/00302/PDR).

Converted Cow House (Building 4)

1.23. The former cow house (Plate 17) comprises a two-storey broadly rectangular structure, built from red brick with stone dressings. It has a pitched slate roof with ridge tiles, with modern rooflights on its northern side. The building was converted for use as two dwellings in the late 20th century, which has seen the modernisation and domestication of the structure. Modern extensions have been added to the southern side of the building, with modern timber framed windows added throughout. The building retains some diamond vent lights to its first floor.



Plate 17: The converted barn range at Greaves Farm (Building 4) (Ref. No. 26/00302/PDR).

Setting and Surrounds

1.24. Greaves Farm comprises a separated farmstead, which is broadly characterised within a loose courtyard formation, with the farmstead surrounded by agricultural field parcels. The 1848 Tithe Map illustrates that these fields immediately surrounding the farmstead were all historically farmed by the occupant of Greaves Farm.

1.25. The farmstead is accessed from a private road extending from the western side of Tattenhall Road, which is broadly orientated west to east, and runs between agricultural field parcels. The farmhouse can be glimpsed between trees from the road junction. The private access road was not accessible; however, it is anticipated that there is increasing visibility of the buildings in dynamic views moving westwards towards the farm.

Association with the Site, including Intervisibility and Co-visibility

1.26. The Site comprises agricultural fields on land adjacent to the farmstead, *c.*110m to the east of Greaves Farmhouse (Building 1). The assessment has identified a historic functional association between the Site and Greaves Farm, with the 1848 Tithe Map illustrating that the land of the Site was historically farmed by the occupants of the farmstead.

1.27. There is some intervisibility between the southern side of the farmstead and the Site. The buildings at the farmstead are visible along the western edge of the Site (Plate 18), with some glimpsed longer distanced views also possible. The farmhouse is primarily screened by intervening built form within these views, with only some glimpsed visibility of the upper roof structure. The principal northern elevation of the farmhouse faces away from the Site, and its orientation appears to have been designed to face the access road and the land to the north. However, it should be noted that this elevation has seen extensive changes and modernisation, and retains no notable architectural interest.

1.28. There is anticipated to be co-visibility between the Site and the farmstead along the approach to Greaves Farm on the private access road (Plate 19). A low hedgerow bounds the northern edge of the Site, which is anticipated to partly screen visibility; however, it is anticipated there would be some visibility across the Site field in dynamic views moving towards the farm, in combination with views of the eastern edge of the farmstead.



Plate 18: Greaves Farm with farmhouse highlighted (blue), taken along the western edge of the Site.



Plate 19: View towards Greaves Farm (blue) at the road junction, with the Site highlighted (red).

Statement of Significance

1.29. Greaves Farm is not Listed and is not recorded on Cheshire West's Local Heritage List, nor is it recorded on the Cheshire Historic Environment Record. However, the Council's Conservation Team had identified that Greaves Farm had the potential to represent a non-designated heritage asset within their consultation response for the outline planning application (Ref. No. 25/01764/OUT).

1.30. This assessment has considered Historic England's criteria for Local Heritage Listing[2]. This will ensure that an appropriate and robust assessment of Greaves Farm is undertaken, which will determine whether there is validity to the assertion that Greaves Farm represents a non-designated heritage asset.

Table 1: Assessment of Greaves Farm against Historic England's Suggested Criteria.

Historic England Suggested Criteria	Assessment
Age: • Does the asset represent a particularly early stage of development in the local area? • Does the asset represent a period of development in the local area that made an important contribution to its character and distinctive identity? • The age of a heritage asset may add to its value, but newer assets may be considered too where they meet other criteria.	Assets of any age can be considered for local listing, but the majority of Locally Listed Buildings would be expected to date between 1840 and 1945. The farmstead originated in the later post-medieval period, and likely dates from the early 19th century, being first shown on Bryant's 1831 Map of the County Palatine of Chester. Whilst the complex is of an age to be considered for local listing, it should be noted that the buildings have seen extensive modern modifications, particularly the farmhouse, which represents the nucleus of the farmstead. Accordingly, given the age of Greaves Farm, the complex **could** be considered to meet the threshold for inclusion on the Local List under this criterion.
Rarity: • Does something about the heritage asset make it a rare example? It might be rare as something that was always unusual or one of just a few surviving examples of something that was once	Greaves Farm represents an early 19th-century separated farmstead, which originated in a loose courtyard formation. The farmstead has seen extensive changes and modernisation, particularly to the farmhouse (Building 1), which retains no legible architectural interest, and the former cow house (Building 4), which is now converted for residential use, and has been domesticated in character. The traditional and vernacular character of the agricultural range (Building 3) has been retained, with the use of diamond brick vents. However, this building would not be considered

[2] Historic England. 2021. *Local Heritage Listing: Identifying and Conserving Local Heritage*. Historic England Advice Note 7.

Historic England Suggested Criteria	Assessment
common within the region, or a very local area. • If the asset type is more common, is there an individual asset which represents either an unusual example, or a good, representative example which could be included?	to represent a rare or unique example of a farm building within Cheshire. Accordingly, Greaves Farm would **not** be considered to meet the threshold for inclusion on the Local List under this criterion.
Design, Architectural, Aesthetic or Artistic Interest: • Does the asset possess intrinsic aesthetic value, for instance in its design, construction, materials, the techniques used or other distinctive characteristics? • Does the asset have interest as a good example of a particular style, movement or tradition? • Has the asset been identified as something that has aesthetic value even if its design was originally functional, or has it gained aesthetic or artistic interest as a result of its influence on artworks, such as painting, poetry or literature? • Was the asset designed by a particular architect, designer, artist or craftsperson of local or regional importance?	Greaves Farm originated in the early 19th century, and includes a farmhouse (Building 1), northern outbuilding (Building 2), agricultural range (Building 3) and former cow house (Building 4). The farmhouse (Building 1) has been substantially modernised, with the installation of modern painted render and uPVC windows throughout. The building retains no discernible traditional character, and is devoid of architectural features of interest. The building is no longer legible as a historic farmhouse to a late post-medieval farmstead. Similarly, the former cow house (Building 4) has been converted for residential use, and whilst it is built from red brick and retains diamond vent lights, it has been significantly modernised with the use of modern windows and doors, which have contributed a domestic character to the building. The northern outbuilding (Building 2) and the agricultural range (Building 3) have retained some architectural interest as historic farm buildings. The northern outbuilding represents a simple open-sided structure, whilst the agricultural range is built from red brick and retains diamond vent lights, and segmental arched window and door apertures. Whilst these structures are of some limited architectural interest, this interest has been weakened following the substantial modern changes that have taken place to the farmhouse, which represents the nucleus of the farmstead. Accordingly, Greaves Farm would **not** be considered to meet the threshold for inclusion on the Local List under this criterion.

Historic England Suggested Criteria	Assessment
Landmark or Streetscape Status: • Is the heritage asset an important or recognisable part of the street or townscape, that contributes to pride in place and local identity?	Greaves Farm is located on private land to the north of Tattenhall, and is accessed from a private road to the west of Tattenhall Road. There are no clear publicly accessible views of the complex, and nowhere where any surviving architectural interest can be appreciated. Accordingly, Greaves Farm would **not** be considered to meet the threshold for inclusion on the Local List under this criterion
Historical Association: • Does the heritage asset have a strong connection to a locally important person, group, cultural practice or event, or a story from the area's past?	The 1848 Tithe Map evidenced that the farmstead was owned by Robert Bulkley Orton, with the family representing prominent landowners in Tattenhall. Whilst the Bulkley Orton family owned Greaves Farm, they did not occupy the farmstead, with no notable historical association. Greaves Farm was occupied by Samuel Williamson, who also occupied a range of field parcels within the immediate vicinity. There is no notable locally important individual, family, or group directly historically associated with the farmhouse. Accordingly, Greaves Farm would **not** be considered to meet the threshold for inclusion on the Local List under this criterion.
Historic Interest: • Does the asset have interest in the story it can tell us about the history of the local area, contributing to local identity?	Greaves Farm likely originated in the early 19th century, representing a separated late post-medieval farmstead. Whilst the farmstead is not particularly distinctive, and has seen extensive modern changes as noted with the farmhouse (Building 1) and converted cow house (Building 4), it does help to demonstrate the historic agrarian economy and historical development of the area as an isolated late post-medieval farmstead within the wider surrounds of Tattenhall. Accordingly, Greaves Farm **could** be considered to meet the threshold for inclusion on the Local List under this criterion.
Archaeological or Evidential Interest: • Does the asset provide us with evidence about the development of the local area, and the people and cultures that lived and worked there?	There is no clear evidence of significant archaeological or evidential value at Greaves Farm. Accordingly, Greaves Farm does **not** meet the threshold for inclusion on the Local List under this criterion.

Historic England Suggested Criteria	Assessment
• Does the asset provide material evidence of past human activity, which shows how people and places have developed? This might be buried or above ground archaeological remain	
Social or Communal Value: • Does the asset contribute to local identity, distinctiveness, social interaction and coherence, contributing to the 'collective memory' of a place? • Does the asset have meaning for a community (or communities) as part of their collective experience of a place?	Greaves Farm is a private farmstead and does not appear to hold any particular communal or social value within the local area. Accordingly, Greaves Farm does **not** meet the threshold for inclusion on the Local List under this criterion.
Collective or Group Value: • Does the asset have a clear visual, designed, functional or historic relationship to other assets in the vicinity? • Does the asset have value collectively as part of an assemblage of assets which might be geographically dispersed but have a functional relationship? • Is the asset's value increased because of its relationship with other assets?	Greaves Farm does not possess any meaningful group value. Historic cartographic sources evidence that it represents an isolated farmstead to the north of Tattenhall, which is surrounded by agricultural field parcels, and separated from any other buildings. Accordingly, Greaves Farm does **not** meet the threshold for inclusion on the Local List under this criterion.

1.31. Greaves Farm is not Listed and is not recorded on Cheshire West's Local Heritage List, nor is it recorded on the Cheshire Historic Environment Record. However, the Council's Conservation Team had identified that Greaves Farm had the potential to represent a non-designated heritage asset within their consultation response for the outline planning application (Ref. No. 25/01764/OUT).

1.32. The assessment considers that Greaves Farm does not fulfil the majority of Historic England's selection criteria for consideration for local listing. Whilst the building is of an age to be considered for local listing, age alone would not be sufficient to fulfil the criteria for inclusion on the Local List. The assessment has identified that the farmstead is of some limited historic interest, representing a late post-medieval farmstead, which helps to demonstrate the historic agrarian economy and historical development of the area. Furthermore, the northern outbuilding (Building 2) and the agricultural range (Building 3) are of some limited architectural interest, being constructed from red brick and retaining some features of interest. However, the farmstead has seen substantial modern modifications, as seen with the farmhouse and converted cow house, which have significantly weakened the overall architectural interest of the complex, and have largely diminished any surviving significance.

1.33. The assessment considers that Greaves Farm is deemed to possess a **low degree of heritage significance** overall. This significance would not be sufficient for it to be considered as a non-designated heritage asset in its own right.

1.34. However, should the Council take the view that Greaves Farm does represent a non-designated heritage asset, the assessment has also included an understanding of any contribution that the Site may make to its limited significance, and potential impacts from the proposed development, below.

The Contribution of the Site through Setting

1.35. The Site comprises agricultural fields on land adjacent to the farmstead, *c.*110m to the east of Greaves Farmhouse. The assessment has identified a historic functional association between the Site and Greaves Farm, with the 1848 Tithe Map illustrating the land of the Site was historically farmed by the occupants of the farmstead.

1.36. The assessment has identified some intervisibility and co-visibility between the Site and Greaves Farm. There is some intervisibility between the southern and eastern edges of the farmstead and the Site. However, it should be noted that no buildings at Greaves Farm were designed facing towards the Site to take advantage of views across the Site fields, with the farmhouse originally designed facing northwards towards the access road and northern fields.

1.37. There is also co-visibility between the Site and farmstead from the private access road off Tattenhall Road. Within these dynamic views, the agricultural fields of the Site are experienced along the approach to the farmstead.

1.38. Overall, the Site is considered to make a **minor contribution** to the limited surviving significance of Greaves Farm, as a potential non-designated heritage asset, through setting.

Impact Assessment

1.39. The proposed development would see the construction of a residential development at the Site, with up to 110no. dwellings, including associated infrastructure, landscaping, and access works.

1.40. The proposals would see a change in character of the land within the Site from agricultural fields to residential houses and associated areas. This would bring residential character closer to the farmstead than at present, with Greaves Farm currently understood as a separated farmstead, despite the modern changes that have taken place.

1.41. The proposals include a 30m landscape buffer around the edges of the Site, including along the western boundary adjacent to the farm, and along the northern boundary adjacent to the Greaves Farm access track. These areas would see the inclusion of woodland and tree planting to variously screen and filter visibility from Greaves Farm and the access road. These mitigation measures would help to ensure that Greaves Farm continues to be experienced as a separated and discrete farmstead. It should also be noted that the Site does not represent the only agricultural land associated with the farmstead within its vicinity, and the farmstead would continue to be surrounded by fields to the north, west, and south, contributing a continued rural character to the surrounds.

1.42. It is anticipated that there may be some filtered intervisibility between the farmstead and the new dwellings within the Site, which would contribute some residential character to the surrounds of the farm. However, it should be noted that the farmstead has already been significantly modernised, with the farmhouse designed facing northwards away from the Site.

1.43. It is also anticipated that there would be some co-visibility between the new dwellings and eastern side of the farmstead in dynamic views along the private access road. This approach to the isolated farmstead is rural in character, which includes the agricultural land within the Site. Whilst a buffer and new trees are proposed along the northern edge of the Site, the new dwellings would contribute some residential character to the approach to the farmstead, which was noted on historic cartographic sources.

1.44. Overall, should the Council consider that Greaves Farm represents a non-designated heritage asset, it is considered that the proposed development is deemed to cause **harm** to the limited surviving significance of the farmstead, through change to its setting. This would be considered to be **of a low level of harm,** given the extensive modernisation of the farmstead, the proposed buffer, and other remaining agricultural land, and it would not be considered to represent substantial harm.

Summary Conclusions

1.45. This Heritage Addendum has been produced in response to the Council's Conservation Team, to assess the significance of Greaves Farm, to understand whether its significance would be considered commensurate with that of a non-designated heritage asset, and to consider any potential impact to its heritage significance.

1.46. Greaves Farm is not Listed and is not recorded on Cheshire West's Local Heritage List, nor is it recorded on the Cheshire Historic Environment Record. However, the Council's Conservation Team had identified that Greaves Farm had the potential to represent a non-designated heritage asset within their consultation response for the refused outline planning application (Ref. No. 25/01764/OUT).

1.47. The assessment considers that Greaves Farm is deemed to possess a **low degree of heritage significance** overall. This significance would not be sufficient for it to be considered as a non-designated heritage asset in its own right.

1.48. However, should the Council take the view that Greaves Farm does represent a non-designated heritage asset, the assessment has also included an understanding of any contribution that the Site may make to its limited significance, and potential impacts from the proposed development.

1.49. The Site is considered to make a **minor contribution** to the limited surviving significance of Greaves Farm, as a potential non-designated heritage asset, through setting.

1.50. Overall, should the Council consider that Greaves Farm represents a non-designated heritage asset, it is considered that the proposed development is deemed to cause **harm** to the limited surviving significance of the farmstead, through change to its setting. This would be considered to be **of a low level of harm,** given the extensive modernisation of the farmstead, the proposed buffer, and other remaining agricultural land, and it would not be considered to represent substantial harm.

1.51. As per Policy HE7.2 of the *NPPF,* any harm identified would need to be weighed against the planning balance and the benefits of the proposals.