

## **PROOF OF EVIDENCE**

### **WILTSHIRE COUNCIL**

#### **Town and Country Planning Act 1990 (as amended)**

#### **Land North of Bath Road, Corsham**

Appeal by Gladman Developments Ltd against the refusal by Wiltshire Council to grant outline planning permission comprising: Erection of up to 150 dwellings, up to 1,394sqm B1 offices, access, parking, public open space with play facilities and landscaping.

**Planning Inspectorate Reference:** APP/Y3940/A/14/2222641

**Local Planning Authority Reference:** 13/05188/OUT

**Date:** 23 December 2014

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## **PERSONAL INTRODUCTION**

My name is Mark Henderson. I am currently the Interim Manager of the Monitoring and Evidence Team and have held this position since September 2014. I previously held the position of senior planning officer at Wiltshire Council and the former Wiltshire County Council for over 7 years.

As part of the Monitoring and Evidence Team I am responsible for assessing housing delivery across the area. This involves monitoring the progress of sites from application through to development; identifying any constraints to development; assessing the requirement for future housing and assessing the deliverable supply.

I have a BSc (Hons) in Environmental Studies and a MA in Town and Country Planning. I have been a full member of the Royal Town Planning Institute for 2 years.

The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## **1.0 INTRODUCTION**

- 1.1 This proof presents the land supply position in conformity with the National Planning Policy Framework (DCLG, March 2012) and the Planning Practice Guidance (DCLG, March 2014). It assesses the land supply with a base date of 1<sup>st</sup> April 2014, and covers the period to 31<sup>st</sup> March 2019.
- 1.2 The latest land supply assessment has been prepared in response to the Wiltshire Core Strategy examination Inspector's 16<sup>th</sup> procedural letter<sup>1</sup> and was submitted to the Inspector and published on the Council's website on 12 August 2014. It has a base date of April 2014 and represents the most up to date position taking into account newly arising evidence on the delivery of specific sites; new sites gaining permission or having resolution to permit; the publication of the 2012 SHLAA; progress of Neighbourhood Plans; and the Inspector's considerations on the Wiltshire Core Strategy<sup>2</sup>. Recent appeal decisions and updates to delivery trajectories provided by developers and site representatives have also been taken into account.

## **2.0 CONTEXT**

- 2.1 The housing land supply position and indeed the status of the development plan, is continually evolving. The application was determined in May 2014. At this time the latest Housing Land Supply Assessment published in February 2014 (with a base date of April 2014) identified a sufficient land supply for the North and West Wiltshire HMA. This application was determined on that basis. The February 2014 Housing Land Supply Statement was an interim statement prepared specifically at the request of the Wiltshire Core Strategy (WCS) Examination Inspector and which included an estimate of the number of completions from 2013-14.
- 2.2 A recent appeal decision by the SoS on Land off Park road, Malmesbury<sup>3</sup> used the information presented in the February 2014 HLSS, taking account of information presented at that appeal. Whilst he considered that the method used to estimate completions was robust, he concluded that the Council could not demonstrate a 5 year supply for the North and West HMA at that stage.
- 2.3 Subsequent to the Park Road inquiry the Council has now published a new, updated Housing Land Supply Statement dated July 2014<sup>4</sup> in response to the WCS Inspector's 16<sup>th</sup> Procedural Letter. This latest HLSS includes a full survey of all

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<sup>1</sup> Included as Appendix 1

<sup>2</sup> As at the time of publication i.e. 12<sup>th</sup> August 2014.

<sup>3</sup> Land off Park Road, Malmesbury ref: APP/Y3940/A/13/2200503 included as Appendix 2

<sup>4</sup> Also with a base date of April 2014, included as Appendix 3

completions for 2013/14 which revealed that the February 2014 HLSS vastly underestimated completions for 2013/2014<sup>5</sup>. The July 2014 HLSS identifies sufficient land supply for the North and West HMA.

- 2.4 On 3 October 2014 an appeal decision on land South of Abberd Lane, Calne<sup>6</sup> was issued. This decision takes into account recent case law on the housing requirement to be applied when assessing housing land supply in the absence of an up to date local plan.
- 2.5 However, the Wiltshire Core Strategy Inspector's final report (Core Document Ref 20) has now been published and confirms that the total housing requirement for Wiltshire is 42,000, and the disaggregated housing requirement for the North and West HMA is 24,740. Adoption of the Core Strategy is timetabled for 20 January 2015, before this appeal is determined.
- 2.6 This Proof presents an up to date housing land supply position, taking into account the conclusions of the latest appeal decisions for Wiltshire and the fact that the Core Strategy Inspector's final report has now been published and adoption is considered to be imminent.

### **3.0 HOUSING LAND REQUIREMENT**

- 3.1 Paragraph 030 of National Planning Practice Guidance (PPG) sets out what should be used as the housing requirement in the assessment of land supply. It states:

*"...Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.*

*Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full*

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<sup>5</sup> The updated completion figures would have affected the conclusions of the Park Road Inspector. He identified that under-supply existed and on this basis applied both a 20% buffer and the Sedgefield approach. However, the updated figures now demonstrate that under-supply is not present and therefore neither of these conclusions are now justified.

<sup>6</sup> Appeal Ref: APP/Y3940/A/14/2213225, included as Appendix 11



*housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).”*

- 3.2 Until the adoption of the Wiltshire Core Strategy, the extant development plan applicable to the application site comprises the Saved policies of the North Wiltshire Local Plan. The North Wiltshire Local Plan and the housing requirement contained therein, covers the plan period 2001 to 2011. The Council does not consider the housing requirement in the North Wiltshire Local Plan to be up to date and consequently considers that it should be afforded no weight in this respect.
- 3.3 On 3 October 2014 an appeal decision on land South of Abberd Lane, Calne<sup>7</sup> was issued. This decision takes into account recent case law on the housing requirement to be applied when assessing housing land supply in the absence of an up to date local plan. The Inspector concluded that the figure of 44,000 identified by the Wiltshire Core Strategy (WCS) Inspector as the Objectively Assessed Need for Wiltshire should be used as the basis for the assessment of housing land supply.
- 3.4 However, circumstances have changed since the Abberd Lane appeal decision was issued and it is considered probable that the Wiltshire Core Strategy will be adopted on 20 January 2014. Therefore the housing requirement of 42,000 contained within the WCS as endorsed by the WCS Inspector, should be used for the assessment of housing land supply.
- 3.5 Paragraph 216 of the NPPF states:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *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*

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<sup>7</sup> Appeal Ref: APP/Y3940/A/14/2213225, included as Appendix 4

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

3.6 The receipt of the WCS Inspector's final report means that there are no outstanding objections and that the emerging Plan is as advanced as it could be prior to adoption. Even if, for some reason, the Plan is not taken to Full Council on 20 January, the next available date is 16 February and therefore the housing requirement of the WCS should still carry significant weight.

#### **4.0 BUFFER**

4.1 Paragraph 47 of the NPPF sets out a requirement for a Local Planning Authority to identify and annually update a housing land supply of five years with an additional allowance of 5%. In instances where there is a record of persistent under delivery this allowance should be increased to 20%. Wiltshire Council can demonstrate that there is no such record of persistent under delivery and so only the 5% buffer applies.

4.2 In order to assess whether persistent under delivery exists it is necessary to consider historic delivery relative to an assessment of the housing requirements, over a period of time. A development plan sets out a housing requirement for a set period of time, during which delivery will vary above and below the annualised average requirement, as a result of factors including the performance of the housing market<sup>8</sup>. Furthermore, the PPG identifies that such an assessment would be "*more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle*". In order to assess whether there has been under delivery against the requirement for that timeframe, it is therefore appropriate to consider housing delivery across the entirety of a plan period to date which takes account of peaks and troughs; or to assess against the entirety of a plan period having mind to market performance over this period if this does not reflect a period of market peaks and troughs. This is supported in the decision letter for Land at Sellars Farm, Gloucestershire<sup>9</sup>, where completions had fluctuated above and below the requirement, and the average rate of completions was only 84% of the requirement. In that case the Inspector noted that this level of shortfall over five years during a recession does not equate to a record of persistent under delivery.

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<sup>8</sup> This is particularly the case, where a new or emerging DPD calls for a step change in delivery, as required by the NPPF and enacted by the eWCS.

<sup>9</sup> (APP/C1625/A/11/2165865) included as Appendix 5.

4.3 This has also been supported by the previous appeal decision at Widham Farm, Purton<sup>10</sup> (October 2012), where the Inspector states:

*“Consequently I must consider whether there has been a record of persistent under delivery which would indicate a need for this buffer to be 20% rather than 5%. The appellant suggested that the Council have failed to meet the requirements, when assessed against the dRSS, for at least three of the last five years. However, I support the Council in their view that this is too simplistic an approach to under delivery. The Council showed that over the period they achieved in excess of 80% of the requirement at a time when the dRSS introduced a significant step change in housing delivery. Housing delivery must, by its nature, be variable and a steady year on year delivery is unlikely to be achievable. On balance I consider that the evidence before me does not indicate a persistent level of under delivery and the 5% buffer should be applied.”*

4.4 The other parameter to determine whether or not persistent under delivery exists is to define what the housing requirement was over the period in question. Delivery should initially be compared to the extant development plan at the time; the Wiltshire and Swindon Structure Plan 2016 (WSSP)<sup>11</sup> – published April 2006, covering the period from 1996 to 2016. The housing requirement contained in the WSSP represents the sustainable housing requirement at the time, having been found sound at public examination and furthermore it covers a period of market peaks and troughs. Whilst the Park Road Inspector dismissed this approach, the WCS Inspector in his report (paragraphs 93 to 96) considers as a starting point delivery against the extant development plan at the time. The Inspector at the Widham Farm<sup>12</sup> appeal decision (November 2013) explicitly supported the use of these requirements.

4.5 However, delivery relative to the most recent assessment of housing need is also of relevance i.e. the housing requirement of 24,740 homes for North and West Wiltshire HMA. Table 1 presents the annual delivery of housing relative to the annualised housing requirements of the development plan at the time (the WSSP). It also presents the annual delivery relative to the candidates for the most recent assessment of housing need for context. Those cells highlighted in green indicate where the annualised average housing requirement has been met or exceeded. Those years where the housing requirement was being applied by the Council at the time are denoted with an asterisk symbol.

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<sup>10</sup> APP/Y3940/A/11/2165449 included as Appendix 6.

<sup>11</sup> Although this was subsequently revoked in May 2013.

<sup>12</sup> APP/Y3940/A/11/2165449 included as Appendix 4.

**Table 1: Annual housing delivery**

Housing requirement	Area	Average annual requirement	Completions								Average completions over plan period <sup>13</sup>	Percentage of requirement for the period to date
			2006 /07	2007 /08	2008 /09	2009 /10	2010 /11	2011 /12	2012 /13	2013 /14		
WSSP	Rest of North Wiltshire	300	629*	589*	365*	283*	286*	400	318	611	415	138%
WCS (37,000)	North and West HMA	1070	1365	1609	999	925	1218	1027*	1093*	1,719	1,238	116%
WCS (42,000)	North and West HMA	1237	1365	1609	999	925	1218	1027	1093	1,719*	1,238	100%

The “\*” symbol denotes those years where the housing requirement was being applied by the Council at the time.

- 4.6 The Council considers that exceeding the average requirement across the plan period should be the first, but not necessarily the only criterion for establishing whether or not historic under delivery is present, although this criterion is sufficient relative to the housing requirements. Indeed, for this HMA, Table 1 demonstrates that delivery has exceeded the annualised average of any relevant housing requirement and the only rational conclusion can be that under-delivery, persistent or otherwise, is not present in North and West Wiltshire HMA.
- 4.7 Furthermore, whilst the Park Road Inspector considered that a 20% buffer was appropriate for the North and West HMA, his conclusions were based on figures in an earlier interim Housing Land Supply Statement (Feb 2014), which included estimates of completions for 2013/14. The latest Housing Land Supply Statement (July 2014) showed these estimates to be significantly lower than actual completions for that year. The WCS Inspector examined the latest assessment and, on balance, considers in paragraph 96 of his report that a 5% buffer is acceptable.
- 4.8 The Council therefore considers that there is no record of persistent under delivery and so the buffer for 5% should apply in this case.

<sup>13</sup> The average completions relate to the relevant plan period, which in the case of the Structure Plan is 1996-2016 (albeit reviewed and updated in 2006), but for the Core Strategy and dRSS is 2006-2026. For the household projections the period included is an estimate of 2006-26.

## 5.0 HOUSING LAND SUPPLY

- 5.1 The latest delivery trajectory was published in the Housing Land Supply Statement (July 2014). Following publication of the HLSS the Park Road appeal decision<sup>14</sup> was issued on 8<sup>th</sup> September 2014. The implications of the Park Road decision have been fully considered in this proof and the deliverable supply figures have been adjusted accordingly. The deliverable supply may also be subject to change following any additional evidence presented on behalf of the appellant, where alternative delivery prospects are clearly demonstrated. Indeed, both parties will work to narrow areas of disagreement through subsequent rebuttal statements and will seek to provide a Statement of Common Ground on deliverability if appropriate.
- 5.2 The assessment of deliverability is articulated in footnote 11 to the NPPF. It identifies that the suitability, availability and achievability of delivery needs to be demonstrated. Furthermore, it identifies that all permitted sites can be considered to be deliverable, unless there is clear evidence to the contrary. The most recent definition of suitability, availability and achievability accords with the previous definition<sup>15</sup> and is contained in the Planning Practice Guidance as follows:

***“What factors should be considered when assessing the suitability of sites/broad locations for development?”***

*Plan makers should assess the suitability of the identified use or mix of uses of a particular site or broad location including consideration of the types that may meet the needs of the community. These may include, but are not limited to: market housing, private rented, affordable housing, people wishing to build their own homes, housing for older people, or for economic development uses.*

*Assessing the suitability of sites or broad locations for development should be guided by:*

- *the development plan, emerging plan policy and national policy;*
- *market and industry requirements in that housing market or functional economic market area.*

*When assessing against the adopted development plan, plan makers will need to take account of how up to date the plan policies are and consider the appropriateness of identified constraints on sites/broad location and whether such constraints may be overcome.*

*Sites in existing development plans or with planning permission will generally be considered suitable for development although it may be necessary to assess whether circumstances have changed which would alter their suitability. This will include a re-appraisal of the suitability of previously allocated land and the potential to designate allocated land for different or a wider range of uses. This should be informed by a range of factors including the suitability of the land for different uses and by market signals, which will be useful in identifying the most appropriate use.*

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<sup>14</sup> (APP/Y3940/A/13/2200503) included as Appendix 2

<sup>15</sup> Contained in the SHLAA practice guidance (DCLG, July 2007)

*In addition to the above considerations, the following factors should be considered to assess a site's suitability for development now or in the future:*

- *physical limitations or problems such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;*
- *potential impacts including the effect upon landscape features, nature and heritage conservation;*
- *appropriateness and likely market attractiveness for the type of development proposed;*
- *contribution to regeneration priority areas;*
- *environmental/amenity impacts experienced by would be occupiers and neighbours.*

***What factors should be considered when assessing availability?***

*A site is considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.*

***What factors should be considered when assessing achievability including whether the development of the site is viable?***

*A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and sell the development over a certain period."*

- 5.3 It is of particular note that footnote 11 of the NPPF requires that there should be a realistic prospect of delivery. It does not require that the delivery of a site should be certain. Indeed, for a site to be discounted on achievability grounds there must be no realistic prospect of delivery.
- 5.4 Wiltshire Council has not relied upon the inclusion of all identified sites, but has actively sought evidence to demonstrate the deliverability or non-deliverability of sites. The result is that the assessment is very conservative, with only 51%<sup>16</sup> of the total identified supply across the North and West Wiltshire HMA being included as deliverable, as compared to the "widely practised" approach of 90% referred to in the Wincanton decision<sup>17</sup>. Similarly only 85% of the permitted supply is included as

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<sup>16</sup> 6,201 deliverable homes of the total of 12,095 (excluding windfall)

<sup>17</sup> APP/R3325/A/12/2170082 – included as appendix 7.

deliverable, whereas footnote 11 identifies that all permitted sites can be considered to be deliverable, unless there is clear evidence to the contrary.

5.5 Indeed, the published assessment can be demonstrated to be truly conservative, given:

- (i) the proportion of identified and permitted sites that are not considered deliverable;
- (ii) the conservative windfall assessment (as noted in paragraphs 5.17 – 5.23 below); and
- (iii) the fact that non-allocated and non-permitted<sup>18</sup> sites at 1<sup>st</sup> April 2014 are not included, even where it is known that there are no constraints to undetermined planning applications or that sites have been permitted in the interim.

5.6 The WCS Inspector considered the latest Housing Land Supply Assessment in considerable detail, including holding an additional public hearing session to debate whether or not the Council could demonstrate a sufficient housing land supply. The WCS Inspector concludes in paragraph 96 of his report that *“[o]n balance, I accept that the Council’s HLS adequately demonstrates a five year supply of deliverable sites in accordance with the objectives of national policy and that a 5% buffer is acceptable.”*

5.7 The Planning Practice Guidance states (Paragraph 033 Reference ID: 3-033020140306) *“up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals”*. Consequently it is submitted that the WCS Inspectors report and conclusions contained therein should therefore be afforded significant weight in this appeal. Indeed it is further submitted that a recent appeal decision<sup>19</sup> dated 3 December 2014 supports this view. Any re-examination of the housing land supply should be viewed in this context.

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<sup>18</sup> i.e. those site in the pipeline that have yet to be determined but that are considered compliant with the policies in the development plan.

<sup>19</sup> Land between Ashflats Lane and A449 Mosspit, Stafford, Appeal ref: APP/Y3425/A/14/2217578 (included as Appendix 8)

5.8 The Council's assessment includes the following sources of supply. The numbers provided are for the North and West Wiltshire HMA.

**Small permitted sites (609 dwellings outstanding of which 472 are considered deliverable)**

5.9 Wiltshire Council has undertaken analysis of the proportion of outstanding small sites that are completed in any year. This proportion has been applied to such sites outstanding at April 2014 (the base date of this assessment) to estimate how many will be delivered in the next five years. An error resulting in double counting of 8 dwellings at East Cottage, Burton Hill has been identified and the above figures reflect this.

**Large permitted sites<sup>20</sup> (4,438 dwellings outstanding of which at least 3,634 are considered deliverable)**

5.10 Wiltshire Council regularly<sup>21</sup> engages with the developers of each outstanding or part-outstanding large site to gain an up-to-date assessment of the delivery prospects of each and whether there are any constraints to development that would delay or preclude development. The delivery assumptions and contextual information are then validated and supplemented by Development Management, New Housing, Spatial Planning and other specialist officers. The delivery rate is also compared with historic delivery rates of similar sized sites attained within Wiltshire. The result of this analysis informs a site specific delivery schedule that aligns with the requirements of footnote 11 of the NPPF and the PPG. This exercise was most recently undertaken from May to July 2014 and the resulting evidence has been used to assess the deliverable supply from 2014-19. In his recommendation the Park Road Inspector adjusted the trajectories for North Chippenham and Hunter's Moon. The above figures have been amended to reflect this.

**Saved Local Plan allocations (478 dwellings outstanding of which 107 are now proposed and are considered deliverable)<sup>22</sup>**

5.11 There are a number of sites that were allocated in the extant Local Plans which are proposed to be saved in the emerging Wiltshire Core Strategy. For each of these the same process of analysis is undertaken to assess the delivery prospects.

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<sup>20</sup> Including full permissions, outline permissions and permissions subject to a S106 agreement..

<sup>21</sup> Usually every few months, but at least annually.

<sup>22</sup> See Appendix 9



**Proposed strategic site allocations in the WCS (6,300 dwellings outstanding of which 1,818 are considered deliverable)<sup>23</sup>**

- 5.12 The WCS identifies a number of strategic allocations, which are fundamental to the delivery of the strategic objectives. The delivery of these sites has been assessed using information from Council officers and site developers<sup>24</sup>.
- 5.13 The examination Inspector has identified that the strategic sites proposed at Chippenham may not have been assessed equitably in the Sustainability Appraisal. Nevertheless, the sites remain suitable, a view supported by the Park Road Appeal Inspector and the WCS Inspector, and so are remain within the deliverable supply<sup>25</sup>.
- 5.14 The strategic allocations that are included in the Council's assessment of deliverable supply accord to the definition of deliverability in the NPPF (footnote 11), which is all that is required for a site to be considered deliverable.
- 5.15 The Park Road Appeal Inspector considered that delivery at Rawlings Green should be reduced by 25 and Ashton Park (South East Trowbridge) should be reduced by 250. The above figures have been adjusted to reflect this.

**Neighbourhood Plan allocations (270 dwellings proposed of which 170 are considered deliverable)**

- 5.16 One Neighbourhood Plan in North and West Wiltshire HMA (the Malmesbury Neighbourhood Plan) has now been made and forms part of the development plan for Wiltshire. This Neighbourhood Plan proposes three allocations which contribute to the supply, however only two appear in the July 2014 HLSS. Burnham House was omitted from the HLSS in error and is expected to contribute a further 50 dwellings to the deliverable supply.

**Windfall allowance (489)**

- 5.17 Paragraph 48 of the NPPF states that "*Local Planning Authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall*

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<sup>23</sup> See Appendix 10

<sup>24</sup> These delivery rates are consistent with those identified in the Statements of Common Ground in support of the Wiltshire Core Strategy examination supplemented by further information indicating revised delivery timetables.

<sup>25</sup> A Chippenham Site Allocations DPD should be available for consultation in November 2014 and this will propose a number of allocations (either those in the submitted eWCS or replacements for which different delivery trajectories may apply).

*delivery rates and expected future trends, and should not include residential gardens”.*

- 5.18 The Council applied a method for calculating a conservative windfall allowance at the Ridgeway Farm<sup>26</sup> inquiry that was agreed by the Inspector. This has since been updated in the Housing Land Supply Statement to reflect further years data. The allowance for large windfall sites was reduced at the Widham Farm appeal<sup>27</sup> owing to the fact that the 2012 SHLAA upon which the assessment relies had not been published at that time. This has now been published and so the windfall assessment is considered reliable.
- 5.19 The conservative windfall allowance is calculated for large windfall and small windfall sites separately. The large windfall allowance identifies the capacity of brownfield, deliverable sites within settlement boundaries from the SHLAA. It does not assume that these specific sites will be built, but rather identifies capacity on large windfall sites for at least this number of dwellings even if on other sites<sup>28</sup>. An adjustment to the figure presented in the July HLSS has been made to reflect an error in the calculation of large windfall, resulting in a reduction of 94. This allowance is maintained for all five year periods unless the identified sites are built or new sites are identified.
- 5.20 The small windfall allowance assumes that the average number of small windfall permissions granted from 2009-12 will continue to be achieved, and then a standard delivery rate is applied to these.
- 5.21 The approach to the windfall allowance is set out in Appendix 3 of the Housing Land Supply Statement 2014 (dated July 2014)<sup>29</sup>. This also demonstrates that the windfall allowance used is the most conservative in comparison to a range of other realistic methods. The WCS Inspector acknowledges this in his report stating “...*the Council promulgates three methods of calculating windfall allowances all of which have some credibility and which produce a county wide five year range of housing delivery between 940 and 2713 homes. The Council has elected to take a conservative estimate of likely windfalls yet the evidence is sufficiently compelling to suggest that the likely rate of housing delivery on such sites, both large and small, will be greater*” (paragraph 97). The upper, credible, windfall allowance for the North and West HMA

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<sup>26</sup> Although this lies within a different HMA, there are no area specific reasons why the method should not apply across Wiltshire.

<sup>27</sup> APP/Y3940/A/11/2165449 – included as Appendix 4.

<sup>28</sup> Indeed, all large windfall permissions granted since April 2013 have been on alternative sites.

<sup>29</sup> Included as Appendix 3.

is 1,688. This is 1,199 more than is cited above for this housing land supply assessment.

5.22 At all post-NPPF appeal decisions in Wiltshire that have considered land supply, the conservative allowance for windfall has either been agreed by the appellants and/or supported by the Inspector<sup>30</sup>.

5.23 Given the level of windfall development in Wiltshire, and the capacity for additional windfall development as evidenced in the appendix, it is clearly appropriate to make an allowance for windfall in the deliverable supply in line with paragraph 48 of the NPPF.

## 6.0 APPROACH TO HOUSING LAND SUPPLY ASSESSMENT

6.1 There are two approaches to calculating the housing land supply, as follows:

- (i) The Liverpool (or residual approach) – This requires that the remaining housing requirement is delivered at a standard rate across the remainder of the plan period.
- (ii) The Sedgefield approach – This requires that any under delivery to date is accounted for in the immediate five years on top of the annualised average requirement.

6.2 However, as demonstrated in table 1, completions have exceeded housing requirement targets in all cases and so there is no shortfall to be addressed for the N&W HMA. In this instance both approaches are equivalent.

## 7.0 HOUSING LAND SUPPLY ASSESSMENT

7.1 The factors described above provide the housing land supply assessment in Table 2.

**Table 2: Land supply assessment<sup>31</sup>**

	Housing requirement 2006-2026	Housing completions 2006-2014	Five year housing requirement 2014-2019	Deliverable sites 2014-2019	Years deliverable supply
North and West Wiltshire HMA	24,740	9,955	6,160	6,687	5.43

<sup>30</sup> With the exception of the latest Widham Farm decision, where the Inspector reduced the windfall allowance owing to the data not having been published.

<sup>31</sup> The deliverable supply is set out in Appendix 1 of the HLSS, dated July 2014.

## **8.0 CONCLUSION**

- 8.1 In the light of the most recent evidence, the Council can demonstrate a sufficient five-year land supply.

## APPENDICES

Appendix	Document
1	Inspectors 16 <sup>th</sup> Procedural letter, dated (15 <sup>th</sup> July 2014)
2	Land off Park Road, Malmesbury appeal decision (Sept 2014)
3	Housing Land Supply Statement (July 2014)
4	Widham Farm, Purton redetermined appeal decision (November 2013)
5	Sellars Farm, Hardwicke, Gloucestershire appeal decision (May 2012)
6	Widham Farm, Purton appeal decision (October 2012)
7	Wincanton appeal decision (August 2012)
8	Land between Ashflats Lane and A449 Mossdit, Stafford, appeal decision
9	Evidence to demonstrate deliverability of Local Plan Allocations
10	Evidence to demonstrate deliverability of Strategic Allocations
11	Land South of Abberd Lane appeal decision

# Wiltshire Council Housing Land Supply

## Appendix 1



# The Planning Inspectorate

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Trowbridge  
BA14 8JN

Our Ref: PINS/Y3940/429/9

Your Ref: AC/PT

Date: 15<sup>th</sup> July 2014

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Dear Mr Cunningham,

## Wiltshire Core Strategy (CS)

Further to my letter dated 27<sup>th</sup> June, I have now read the results of the recent consultation. In order to progress the Examination, a number of initial queries have arisen for which I would be grateful for your response.

Following my earlier correspondence including the 10<sup>th</sup> Procedural Letter, the Planning Practice Guidance (PPG) was published to which I must have regard. I note the Council's recent statement on the subject and other responses received as part of the consultation.

As you will be aware, the PPG provides further guidance on the content of the National Planning Policy Framework. In particular it provides useful information relating to how housing needs should be assessed. In this context, I am conscious that, to inform its housing figures within the Core Strategy, the Council relies upon a range of evidence sources. In terms of its SHMA, the Council is particularly reliant upon the Fordham work and Topic Paper 15 (as amended) which, individually and understandably, do not specifically follow the methodology outlined in the PPG.

Given the recent publication of the PPG and the time that has elapsed since the initial housing evidence was gathered, could the Council clarify at what point in the future it intends to review the objectively assessed housing needs of the county through a process informed from its outset by the content of the PPG? I am most interested as to whether any planned update/new SHMA should be referenced within the Core Strategy to provide clarity on the way in which the Council will ensure the effectiveness of its policy approach to meeting housing needs.

Furthermore, could the Council clarify how it believes it has considered 'market signals' within its earlier evidence?

In addition, and whilst I have noted the content of the updated LDS, could the Council explain how and when it intends expressly to plan for the period beyond 2026?

With regards to the 900 homes already planned within Wiltshire but identified to meet the needs generated within the Borough of Swindon, can the Council clarify why it considers these should form part of the minimum 42,000 new homes now contained within the modified Wiltshire Core Strategy? With regards to the comments made to the recent consultation, there appears to be some logic to an argument that states such homes should not be counted against the minimum proposed requirement for Wiltshire of 42,000 homes over the plan period.

In relation to the Housing Land Supply Statement, can the Council provide a current version (ie July 2014) including any adjustments to be made for recent appeal decisions (eg Malmesbury) and, if necessary, for the land serving Swindon? Can the Council summarise, based on existing evidence, how its intended housing provision will meet the requirements of paragraph 47 of the Framework? I am particularly interested in the land supply for years 1-5 (2014 onwards) and 6-10 and the extent to which the shorter term supply of land is capable of meeting identified needs. Any clarification of the evidence in light of the PPG section entitled *Housing and economic land availability assessment* and including Stage 5<sup>1</sup> would be appreciated. An expansion and update to Table 3 of the Housing Land Supply Statement of April 2014, to show both time periods, may be helpful.

As a separate matter and as referenced within the consultation report (EXAM/103), can you please provide a copy of the Memorandum of Understanding which appears to be in the process of being agreed with Natural England?

I look forward to hearing from you shortly and within 10 days.

.  
Yours sincerely,

*Andrew Seaman*

Senior Housing and Planning Inspector

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<sup>1</sup> Website paragraphs reference ID: 3-028-20140306 onwards



# Wiltshire Council Housing Land Supply

## Appendix 2



Department for  
Communities and  
Local Government

Mr Des Dunlop  
D2 Planning Ltd  
Westbury Court  
Church Road  
Westbury-on-Trym  
Bristol  
BS9 3EF

Our Ref: APP/Y3940/A/13/2200503  
Your Ref: 019/13

8 September 2014

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY WHITE LION LAND LLP  
LAND OFF PARK ROAD, MALMESBURY, WILTSHIRE**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John Wilde CEng MICE, who held a public local inquiry between 1 and 3 April 2014 into your clients' appeal against the refusal by Wiltshire Council ("the Council") to grant outline planning permission for a residential development (77 dwellings), a community building, public open space, and associated works including construction of a new access, in accordance with application Ref N/12/03464/OUT, dated 18 June 2013.
2. The appeal was recovered for the Secretary of State's determination on 10 January 2014, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 because the appeal involves proposals which raise important or novel issues of development control and/or legal difficulties.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed, and planning permission granted. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation. He dismisses the appeal and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Procedural matters**

4. The application for costs (IR1.1) made by your clients at the Inquiry is the subject of a decision letter being issued separately by the Secretary of State.

Jean Nowak, Decision Officer  
Planning Casework Division  
Department for Communities and Local Government  
3<sup>rd</sup> Floor, Fry Building  
2 Marsham Street  
London, SW1P 4DF

Tel 0303 444 1626  
Email [pcc@communities.gsi.gov.uk](mailto:pcc@communities.gsi.gov.uk)

## **Matters arising after the close of the inquiry**

5. On 15 July 2014, the Council wrote to the Planning Inspectorate referring to the Court of Appeal decision in respect of an Inspector's determination of the planning appeal at Filands<sup>1</sup>, Malmesbury, which had the effect of confirming the grant of planning permission for 180 dwellings on that site. The Secretary of State has taken account of this as a matter of fact, and so has not considered it necessary to refer back to the parties to this appeal on the matter. However, copies of the email from the Council may be obtained from the address at the bottom of the first page of this letter.

## **Policy considerations**

6. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the saved policies of the North Wiltshire Local Plan, adopted in May 2006 (IR8).
7. Matters which the Secretary of State has taken into account as material considerations include the advanced state of the new Core Strategy (CS) (IR9) and, as it has passed the examination stage, he gives this significant weight (see paragraph 12 below). He has also given significant weight as a material consideration to the version of the Malmesbury Neighbourhood Plan (MNP) (IR10) which has now been submitted to the Council for examination and, in that context, the Written Ministerial Statement on Neighbourhood Planning published on 10 July 2014. The relative weights attributed to the CS and the MNP are considered further in paragraphs 10-18 below.
8. Other material considerations which the Secretary of State has taken into account include the *National Planning Policy Framework* (The Framework) and the subsequent planning guidance; as well as the *Community Infrastructure Levy (CIL) Regulations 2010* as amended.

## **Main issues**

9. The Secretary of State agrees with the Inspector (IR103) that, following the submission of a satisfactory section 106 Agreement (see paragraph 20 below), the main issues to be considered are the location of the appeal site outside the settlement boundary and the prejudicial impact on the emerging MNP.

## **Housing supply and settlement boundary**

10. The Secretary of State has carefully considered the Inspector's arguments and conclusions on the five year housing land supply (IR104-129) and, bearing in mind the uncertainties which the Inspector identifies, the Secretary of State agrees with his conclusion at IR129 that, on the basis of the evidence available to him at the time of the Inquiry, the Council have only a 4.1 year supply of housing so that their policies for the supply of housing cannot be considered to be up-to-date and therefore paragraph

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<sup>1</sup>On 10 July 2014, the Court of Appeal found against the Secretary of State in the relation to the issuing of a decision on an appeal, where the Inspector's decision, granting planning permission for 180 homes at Filands, Malmesbury, had been issued due to an administrative error - just after the then Minister had decided to recover the case for Ministerial decision.

49 of the Framework is invoked. The Secretary of State considers that this is an important consideration to be taken into account in the overall planning balance.

11. With regard to settlement boundaries (IR130-132), the Secretary of State agrees with the Inspector (IR130) that, while the settlement boundary policy in the LP (Policy H4) seeks to protect the countryside, it is nonetheless a policy that relates to the supply of housing and so, in view of the shortfall identified paragraph 10 above, should not be regarded as being in accordance with paragraph 49 of the Framework.
12. However, since the appeal inquiry Inspector submitted his Report, further progress has been made towards adopting the emerging CS (IR133). In particular, the Council's published Schedule of Proposed Modifications in response to the 10<sup>th</sup> Procedural Letter from the CS Inspector has acknowledged their intention to review the settlement boundaries as part of the Wiltshire Housing Site Allocations and Chippenham Site Allocations Development Plan Documents (DPDs), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect changes which have happened since they were first established (IR134). The potential output from this in relation to future housing land supply is also an important material consideration to be taken into account in the overall balance.
13. The Secretary of State further considers it appropriate to take account of the impact of the recent Filands judgment (see paragraph 5 above) on the housing land supply position in Malmesbury. This provides for an additional 180 dwellings over and above those on which the CS calculations are based and so the Secretary of State considers that it provides some breathing space for the Council to complete the intended DPDs referred to in the previous paragraph.

#### Neighbourhood Plan

14. The Secretary of State has also taken account of the fact that, since the appeal Inspector wrote his Report, further progress has been made in respect of the emerging MNP, for which an independent examiner has now been appointed who will hold a hearing on 18 September 2014. Therefore, although the MNP has yet to complete its assessment by the independent examiner and, if approved, be put to public referendum, the terms of the Framework and the guidance mean that it can now be given significant weight. The appeal Inspector points out (IR135) that 25 potential housing sites were assessed in the MNP area during the consultation period and the appeal site came towards the bottom of the list. He also highlights (IR136) the reasoning behind the views of the promoters of the MNP on the numbers and location of future housing in Malmesbury.
15. Clearly, and as your clients have pointed out (IR137), it would be inappropriate for the Secretary of State to prejudge the outcome of the MNP examination or the eventual outcome of the CS/DPD process, with which the MNP will need to be in conformity. Nevertheless, the Secretary of State considers it appropriate (as stated in the Written Ministerial Statement of 10 July 2014 - referred to in paragraph 7 above) to give local people an opportunity to ensure they get the right types of development for their community while also planning positively to support strategic development needs. The Secretary of State has therefore given significant weight to the fact that the emerging MNP has identified housing allocations elsewhere within the MNP area and that the Council has yet to complete an up-to-date objectively assessed housing land supply analysis against which to measure the overall MNP proposals. In the light of these, he

considers it appropriate, as things currently stand, to tip the planning balance in favour of the emerging MNP proposals, while accepting that these may need to be revisited in due course.

### Planning balance

16. Overall, therefore, the Secretary of State considers this to be a finely balanced case. On the one hand, as identified at paragraphs 10 and 12 above, the Council cannot at this stage demonstrate a 5 year housing land supply, so that the terms of the Framework require that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefit. As the Inspector points out at IR143, no such site specific objections on sustainability grounds have been identified by the Council.
17. On the other hand, however, the Secretary of State also gives significant weight to the opportunity which the neighbourhood plan process gives local people to ensure they get the right types of development for their community (as described in paragraph 15 above) while also planning positively to support strategic development needs. He acknowledges that the Council have now accepted the need to do further work on identifying more housing land across their area, including through a review of the settlement boundaries in the CS (as described in paragraph 12 above), and that that needs time to go through the proper consultative and statutory processes; and he has also taken account of the fact that the release of land for 180 dwellings at Filands has reduced the urgency of the need to identify further additional housing land in Malmesbury.
18. Therefore, taking account of all these factors, the Secretary of State takes the view that releasing the appeal site for housing now could result in a significant and demonstrable adverse impact on the outcomes of both the CS and the MNP and that, when assessed against the policies in the Framework taken as a whole, that could run the risk of outweighing any immediate benefits provided by the appeal scheme.

### **Conditions**

19. The Secretary of State has considered the proposed conditions set out at Annex 1 to the IR and the Inspector's comments on them at IR93-99. However, while he is satisfied that those conditions would be reasonable and necessary if he were intending to grant planning permission and that they would meet the tests of the Framework and the guidance, he does not consider that these provisions are sufficient to overcome his concerns with the proposed scheme as identified in this decision letter.

### **Obligation**

20. The Secretary of State has considered the terms of the planning obligation submitted at the Inquiry and considered by the Inspector at IR100-102; and he agrees with the Inspector at IR102 that these meet the Framework tests and comply with the CIL Regulations. However, for the reasons set out above, he does not consider that these provisions are sufficient to overcome his wider concerns as identified in this decision letter.

## **Overall Conclusions**

21. The Secretary of State has had regard, on the one hand, to the fact that the Council cannot at this stage demonstrate a 5 year housing land supply, so that the terms of the Framework require that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefit; and on the other hand to the opportunity which the neighbourhood plan process gives local people to ensure they get the right types of development for their community while also planning positively to support strategic development needs. He regards these factors as being finely balanced in this case and, having regard to the particular context of this appeal (referred to in paragraphs 16-18 above), he concludes that the immediate benefits of releasing the appeal site as a contribution to meeting overall housing demand in the wider area are insufficient to justify the release of this site so soon before the examination of the NP proposals is complete and there has been an opportunity to test them by means of the referendum.

## **Formal Decision**

22. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendations. He hereby dismisses your clients' appeal and refuses planning permission for a residential development (77 dwellings), a community building, public open space, and associated works including construction of a new access, in accordance with application Ref N/12/03464/OUT, dated 18 June 2013.

## **Right to challenge the decision**

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

24. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**JEAN NOWAK**

Authorised by Secretary of State to sign in that behalf

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# Report to the Secretary of State for Communities and Local Government

by John Wilde C.Eng M.I.C.E.

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 14 July 2014

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**Town and Country Planning Act 1990**

**Wiltshire Council**

**Appeal by White Lion Land LLP**

**Against the decision to refuse outline planning permission for residential development (77 dwellings); a community building (class D1); public open space; and associated works including construction of a new access.**

**at**

**Land off Park Road, Malmesbury, Wiltshire, SN16 0QW**

Inquiry held on 1/2/3 April 2014

Land off Park Road Malmesbury

File Ref: APP/Y3940/A/13/2200503

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**File Ref:APP/Y3940/A/13/2200503**

**Land off Park Road Malmesbury**

- 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 White Lion Land LLP against the decision of Wiltshire Council.
- The application Ref N/12/03464/OUT, dated 2 October 2012, was refused by notice dated 18 June 2013.
- The development proposed is residential development (77 dwellings); a community building (class D1); public open space; and associated works including construction of a new access.

**Summary of Recommendation: That the appeal be allowed.**

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**Procedural Matters**

1. At the Inquiry an application for costs was made by White Lion Land LLP against Wiltshire Council. This application is the subject of a separate Report.
2. The Inquiry sat for three days on 1-3 April 2014 at the Wiltshire Council offices in Chippenham. I conducted an unaccompanied site visit on Monday 31 March and an accompanied site visit on 1 April.
3. The application that now forms the subject of the appeal was submitted in outline with details of access to be determined as part of the application. Details of layout, scale, appearance and landscaping are reserved for later determination.
4. The application was refused for three reasons<sup>1</sup>. In brief, these dealt with the following issues:
  - 1) Whether or not there are material considerations that outweigh the conflict with development plan policy in relation to the countryside location of the proposed development.
  - 2) Whether or not allowing the appeal would be prejudicial to the plan-led approach to development.
  - 3) Whether or not the proposed development should make provision for on site affordable housing and a range of financial contributions to mitigate the effects of the development, and if so, whether arrangements for these provisions have been made.

**The Site and Surroundings**

5. The appeal site is an agricultural field, generally enclosed by hedgerows and mature trees, and located about 1.2km from the centre of Malmesbury. The site is accessed from Park Road which forms the north-east boundary. Park Lane forms the north-west boundary. Houses of the White Lion Estate abut the south-west boundary/corner of the site. To the south-east of the site is a small undeveloped parcel of land that was formerly allotments, and beyond this are residential properties in Park Road. The site generally slopes down from the south-west to north-east.
6. Park road is about 5.5m-6m in width at the site access point. It benefits from street lighting and a footway in the direction of Malmesbury starts about 90m

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<sup>1</sup> See paragraph 2.5 of the Statement of Common Ground (SoCG) for the reasons for refusal in full.

south-east of the site. The site is within reasonable walking distance of Malmesbury town centre and other facilities including schools, shops, a supermarket and leisure facilities.

7. To the north-east of the site, beyond Park Road, is a branch of the River Avon and open countryside. The area north and west of the Park Lane is also open countryside which is designated as an Area of Outstanding Natural Beauty. The site is located in Flood Zone 1 as determined by the Environment Agency, although the area to the north of, and partially including Park Road, is within Flood Zone 3.

### **Planning Policy**

8. The North Wiltshire Local Plan (LP) was adopted in 2006 and had an end date of 2011. The policies referred to by the Council in their reasons for refusal have all been saved by direction of the Secretary of State.
9. In addition to the LP the Council are also in the process of preparing a new Core Strategy (CS). This CS is proposed to cover the period 2006-2026. It has been the subject of an Examination into outstanding objections, after which proposed modifications were consulted on between 27 August and 9 October 2013. These were submitted to the Examining Inspector during October 2013. Correspondence has subsequently been ongoing between the Inspector and the Council. This correspondence will be highlighted in the following sections.
10. A Neighbourhood Plan is also being prepared for Malmesbury. Following an initial informal consultation process it was submitted to Wiltshire Council in December 2013. Wiltshire Council commenced consultation on the draft plan on 20 January 2014.

### **Planning History**

11. The appeal site was the subject of an appeal for a similar development which was dismissed on 15 March 2012<sup>2</sup>.

### **The Proposals**

12. The proposed development would be up to 77 dwellings with a community building, public open space and associated works with access derived from Park Road. Due to the possibility of flooding to Park Road there would also be a secondary/emergency access off Park Lane to the west of the site.

### **Other Agreed Facts**

13. These are set out in detail in the SoCG at section six. In brief it is agreed between the main parties that the appeal proposals do not constitute EIA development, that the site (apart from the main access) lies in Flood Zone 1 where the principal of residential development is acceptable. It is also agreed that the development complies with all requirements for foul and surface water drainage and that it would not have an adverse visual impact on the surrounding landscape and Area of Outstanding Natural Beauty. It is also accepted that the appeal site is within easy walking distance of a range of public services, public

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<sup>2</sup> APP/Y3940/A/11/2159115 App 7 Dunlop POE or Core Doc 30

transport and the cycle network, including both primary and secondary schools. Furthermore, it is accepted that the proposed development would not give rise to any adverse environmental conditions and that the proposed density of housing would be appropriate and in keeping with the development plan.

14. During the Inquiry further discussions were held between the main parties on the subject of housing land supply and a summary of these discussions is contained in the paper entitled *Clarification of 5 year housing land supply matters*<sup>3</sup>. The paper confirms that there is agreement between the two main parties that the Wiltshire housing requirement for 2006-2026 is 42,000 homes and that this, when disaggregated, gives a figure of 24,700 homes required for the Housing Market Area (HMA) that includes Malmesbury (the north and west HMA). This in turn gives an annual requirement of 1,237 homes in the north and west HMA.
15. It is further agreed between the parties that over the eight years of the plan to date 9,896 homes have been required and that, up until April 2013 8,189 have been completed. The parties also agree that using a base date of April 2013 the Council do not have a 5 year supply of housing, and that even when using their April 2014 base data the Council cannot demonstrate a 5 year supply of homes with a 20% buffer in relation to either the Sedgefield or Liverpool methods of distributing the backlog.

### **The Case for Wiltshire Council**

*The main points are:*

16. The emerging Wiltshire CS is at an advanced stage of preparation with hearings to examine the plan following submission of the plan to the Secretary of State closing on 18 July 2013. Recent correspondence from the Inspector appointed to examine the plan suggests that his report will be available by summer 2014<sup>4</sup>. The emerging CS is highly consistent and in conformity with policies within the Framework which makes clear that the presumption in favour of sustainable development works through, not against plans<sup>5</sup>. Significant weight should therefore be afforded to the policies within the emerging CS<sup>6</sup>.
17. Sustainable growth is not just about considering whether a development is sustainable in its own right. It is also about considering the proposal in the context of the wider area and in light of the objectives of the development plan to deliver an overall sustainable spatial vision and strategy<sup>7</sup>.
18. The Councils approach to sustainable development within the core strategy responds positively to the Framework's requirements in paragraphs 18 to 219 which, when taken as a whole define sustainable development. Specifically the Framework encourages *succinct local and neighbourhood plans setting out a positive vision for the future of their area* and encourages local authorities to *take*

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<sup>3</sup> Inquiry Document 13 known hereafter as the Clarification

<sup>4</sup> POE Gibson 2.4

<sup>5</sup> POE Gibson 2.6

<sup>6</sup> POE Gibson 2.7

<sup>7</sup> POE Gibson 2.10

- account of different roles and character of different areas. The sustainable strategy for Wiltshire embodied in core policies 1 and 2 does exactly this*<sup>8</sup>.
19. The vision for Wiltshire as a whole states that *Wiltshire will have stronger more resilient communities based on a sustainable pattern of development*, while the strategy for Malmesbury states that *given Malmesbury's rural location and the characteristics of the town, it is not realistic to plan for significant growth*<sup>9</sup>.
  20. Within this sustainable development strategy Malmesbury is identified as a market town, therefore some growth is acceptable. In line with this the Malmesbury Neighbourhood Plan (MNP) already seeks to bring forward 270 homes in a holistic rather than incremental way. Unplanned growth over and above that already identified would depart from the spatial vision and strategy for the area that has evolved in consultation with the local community<sup>10</sup>.
  21. The Inspector at the recent Widham Farm appeal<sup>11</sup> supported the Council's position stating *whether or not a proposal constitutes a "sustainable" form of development is not simply to do with matters of transportation, but includes an assessment of its impact upon existing infrastructure, and the extent to which it accords with the spatial vision for the area*<sup>12</sup>. Furthermore, the Inspector at the last Park Road appeal concluded that *the proposal would nevertheless conflict with the housing objectives and spatial vision for the area*<sup>13</sup>.
  22. It is the Council's position therefore that the sustainable strategy for Malmesbury is continuing the long term planning for the town consistent with the strategy and that development that is contrary to the policies of the plan is not consistent with the Framework.
  23. The proposed development would be outside of the settlement boundary for Malmesbury. Settlement boundaries are necessary to provide a decision making tool to ensure encroachment into the countryside is actively managed: they are necessary to ensure that the Plan delivers growth sustainably in Wiltshire. The boundary for Malmesbury is identified in the LP by policy H3. Within this boundary appropriate housing development is permitted; outside this boundary is considered to be countryside where housing development is limited to that essential for rural businesses or as a replacement for an existing dwelling (policy H4). The proposed development is clearly contrary to these policies in terms of its location<sup>14</sup>.
  24. Policy H4 is a saved policy that will be retained in the CS. It will therefore continue to be part of the development plan once the CS is adopted, as there have been no objections to its retention, and the policy is consistent with the Framework objective of protecting the countryside for its own intrinsic value<sup>15</sup>.

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<sup>8</sup> POE Gibson 6.3

<sup>9</sup> POE Gibson 6.5

<sup>10</sup> POE Gibson 6.6

<sup>11</sup> APP/Y3940/A/11/2165449

<sup>12</sup> POE Gibson 6.4

<sup>13</sup> POE Gibson 6.7

<sup>14</sup> POE Gibson 6.9

<sup>15</sup> Council final submissions 1

25. It is acknowledged that the Inspector examining the emerging CS identifies in his tenth procedural letter<sup>16</sup> that it cannot be argued with great strength that the settlement boundaries proposed in the Core Strategy are up to date. However, he continues to support the approach to define where sustainable development is appropriate through settlement boundaries. In other words, the principle of Policy H4 is still very much supported<sup>17</sup>, and nothing in his letter suggests that he considers the retention of policy H4 as inappropriate<sup>18</sup>.
26. Paragraph 215 of the Framework requires that policies in older development plans should be given due weight – i.e. the closer they are to the policies in the Framework the greater weight they should have. A policy which seeks to restrict development in the countryside is consistent with the core planning principle in paragraph 17 of the Framework of recognising the intrinsic character of the countryside. Subject only to the position where there is no five year housing land supply, such a policy is not inconsistent with any part of the Framework, and therefore should be given significant weight<sup>19</sup>.
27. The application of paragraph 49 of the Framework adds very little. If it means that the settlement boundary is out of date the question as to whether the shortfall has to be brought forward through a planning permission or through the Neighbourhood Development Plan Process falls under paragraph 14 of the Framework i.e. planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Planning Practice Guidance indicates that prejudice to the Neighbourhood Development Plan process can amount to such a significant and demonstrable adverse impact<sup>20</sup>.
28. In the case of Malmesbury, the possibility of amending the settlement boundary has very recently been considered through the Neighbourhood Planning process. This has demonstrated that, with the allocations proposed through the MNP, the settlement boundary has been reviewed and is up to date and appropriate. In these circumstances the conclusions of previous Inspectors at Widham Farm, Purton and Fairdown Avenue<sup>21</sup>, Westbury, that policy H4 carries considerable weight remain valid<sup>22</sup>.
29. In considering the issue of settlement boundaries and the relevancy of policy H4 for the appeal into land at Widham Farm, Purton, the Inspector concluded: *The Local Plan presumption against development outside of settlement framework boundaries remains a relevant policy consideration* (paragraph 65). This confirms that the approach to define where sustainable development is appropriate through settlement boundaries as per policy H4 remains a relevant and up to date part of the statutory development plan<sup>23</sup>.

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<sup>16</sup> Core Doc 46

<sup>17</sup> POE Gibson 6.11

<sup>18</sup> Council final submissions 3

<sup>19</sup> Council final submissions 2

<sup>20</sup> Councils final submissions 7

<sup>21</sup> APP/Y3940/A/13/2196510 Core Doc 45

<sup>22</sup> POE Gibson 6.12

<sup>23</sup> POE Gibson 6.14/15

30. Core Policy 2 (as amended) makes clear that outside development limits development will only be permitted where it has been identified through the Wiltshire Housing Site Allocations DPD or a community-led planning policy document. This point was made in paragraph 49 of the previous appeal decision regarding this site<sup>24</sup>. The Inspector in this case also made the point that: *it is material to note that ensuring local communities have an increased ability to shape the development of their areas, through mechanisms such as Neighbourhood Plans, is a key plank of the government's Localism Agenda. (this consideration needs to be balanced with the importance the government attaches to the role of the planning system in promoting growth).*
31. The proposed development is premature in relation to the CS, particularly in relation to core policies 1 and 2. It would pre-judge the location of development in Malmesbury over the plan period and prejudice the proper planning of sustainable development in the town that takes into account the wider planning policy considerations being developed as set out in paragraph 5.70 of the emerging CS; in particular ensuring housing development provides for the delivery of new primary school places in the town. The CS is now at an advanced stage of development. It is the Council's position that this document should be given significant weight<sup>25</sup>.
32. Significant progress has been made on the MNP. The plan allocates 'non-strategic' development sites and develops a locally specific policy framework to complement those set out in the CS. Consultation on the submitted plan is to take place on 12 March 2014. The Housing Site Assessment Task Group of the Malmesbury Neighbourhood Steering Group has identified housing sites for the town. This task group has developed a robust and evidence based site selection methodology for the identification of housing sites that provides a full and transparent assessment of all potential sites for housing in and adjoining the framework boundary of the town. The methodology, scoring system and outcomes of the application for the methodology to all site options were all subject to public consultation in the full community engagement event held by the steering group in September 2012<sup>26</sup>.
33. In total, 270 new dwellings are proposed in the Neighbourhood Plan. The Park Road site is not one of the proposed allocations in the neighbourhood plan but was considered as part of the site selection process. It is clear, therefore, that a great deal of work has gone into producing the present plan, including:
1. Community Engagement (September/November 2012)
  2. Neighbourhood Survey of residents of the Town and the two Parishes
  3. Consultation with Planning Aid
  4. Workshops with the Prince's Foundation
  5. Consultation with the Design Council — CABE
  6. Extensive consultation with Wiltshire Council throughout

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<sup>24</sup> APP/Y3940/A/11/2159115 Core Doc 30

<sup>25</sup> POE Gibson 6.22

<sup>26</sup> POE Gibson 6.24/25

7. Informal 6 week public consultation on a draft plan (March/April 2013)<sup>27</sup>
34. The above demonstrates the amount of hard work and commitment the Steering Group have undertaken in good faith to ensure the proper, sustainable and holistic planning of Malmesbury as advocated by the Government's Localism Agenda. The proposal of 77 dwellings represents a significant unplanned site in Malmesbury which would be in addition to the 270 homes proposed through the neighbourhood plan<sup>28</sup>.
35. If required, any further adjustment of the settlement boundary to accommodate the new assessment of housing needs arising from the Examining Inspector's 10th procedural letter can be addressed through the plan led process without significant delay<sup>29</sup>.
36. Allowing this development to come forward now would prejudice the location of development in the town and undermine the ability for the town to be planned for as part of a holistic plan led process. This achieves the core planning principles described in para 17 of the Framework. It also allows the local community to take the opportunity that has been given to them, and embraced through the MNP, to identify sites for development within their area<sup>30</sup>.
37. This is precisely the situation referred to in General Principles which states it may be appropriate to refuse planning permission on the basis of prematurity *where the proposed development is so substantial .... That granting planning permission could prejudice the DPD by predetermining decisions about the scale, location and phasing of development.* Although the MNP is not a development plan document, it is part of the development plan and the same principles must apply<sup>31</sup>.
38. In commenting on the issues of prematurity in relation to the emerging Core Strategy, it is noted that the Inspector for the previous Park Road appeal stated: *It nevertheless remains the case that by pre-determining the location of some 29% of the minimum housing requirement for Malmesbury Town for the plan period 2006/2026, granting permission for this development would seriously compromise the ability of the local community to determine where future housing growth should take place, and so would conflict with the evolving spatial vision and housing objectives for the area. This is a material consideration that weighs against the proposal*<sup>32</sup>. Since that time both the CS and the MNP have advanced significantly and can therefore be afforded more weight<sup>33</sup>.
39. Growth needs to strike an appropriate balance between demand for housing and environmental and service capacity and this is reflected in the community area strategy for Malmesbury in the CS and the MNP.

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<sup>27</sup> POE Gibson 6.27

<sup>28</sup> POE Gibson 6.28/29

<sup>29</sup> Council's final submissions 6

<sup>30</sup> POE Gibson 6.28

<sup>31</sup> POE Gibson 6.30

<sup>32</sup> POE Gibson 6.32

<sup>33</sup> POE Gibson 6.32/33

40. The MNP is already planning for some of this growth, taking account of local circumstances. This reflects the Framework at paragraph 10 which states that *plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas*. The growth catered for in the MNP will contribute towards stimulating the economy and providing much needed homes, whilst taking into account the local circumstances of Malmesbury. By allowing this growth to be planned through the MNP, it also means that it is *genuinely plan-led, empowering people to shape their surroundings, with succinct local and neighbourhood plans setting out a possible vision for the future of the area*<sup>34</sup>.
41. Allowing the appeal would pre-empt and pre-judge the decisions of the promoters of the MNP. It would mean that the location of a substantial element of the outstanding housing provision for Malmesbury would have been determined through this appeal rather through the community led neighbourhood planning process. This would undermine the idea that the community are to be entrusted with shaping their own surroundings and would damage confidence in the neighbourhood planning process. This would be clear prejudice and the presumption in paragraph 14 of the Framework would be outweighed<sup>35</sup>.
42. In respect of the five year housing supply the buffer should be 5% and not 20%. The purpose of the buffer is to allow for a past failure to deliver to be compensated for by allowing a larger amount of choice in housing land to be available. This implies that the failure to deliver has been caused by a persistent inadequacy in the available land supply. This is not the case in this part of Wiltshire. The delivery has been broadly in accordance with the planning requirement. It is only when compared against the CS requirement, back dated to 2006, that delivery has fallen below the requirement over a continuing period.
43. This under delivery has not been caused by any inadequacy in the land supply but through the backdating of the increased housing requirement figure that was only suggested last December. Delivery is responsive to the policy context at the time, and it would be unreasonable to assess historic delivery against development plan documents that were not adopted or published during this period. Delivery should be compared to the extant development plan at the time – the Wiltshire and Swindon Structure Plan<sup>36</sup>. No other Inspector has found that a 20% buffer is required and there is no reason to find such a requirement now<sup>37</sup>.
44. Much the same argument applies to the use of the Sedgfield method. There is nothing in the circumstances in Wiltshire to suggest that it is required to meet needs not met in previous years. The Council consider the Liverpool approach to be the only sensible approach and note that it has been applied in recent appeal decisions including one in Barwell Leicestershire<sup>38</sup>. This is re-enforced by the Examining Inspectors 10<sup>th</sup> procedural letter which estimates the housing land supply arising from an increased housing requirement<sup>39</sup>. Furthermore, it would

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<sup>34</sup> POE Gibson 6.40/41

<sup>35</sup> Councils closing submissions 20/21

<sup>36</sup> POE Henderson 3.2

<sup>37</sup> Council's closing submissions 8

<sup>38</sup> APP/K2420/A/12/2088915 (May 2013) App 15 POE Henderson

<sup>39</sup> POE Henderson 4.3/4.4



- be wrong to use the Sedgefield method and a 20% buffer because this would be using the same alleged shortfall to justify two increases in the required supply<sup>40</sup>.
45. There is nothing underhand in using an estimated April 2014 base date for the calculation of housing supply. It would be more artificial to use figures that, by the time the decision is issued, will be over a year old. The assessment relies on a robust yet conservative estimate of the number of completions achieved in 2013/14, based on information gained through consultation with site representatives in December 2013<sup>41</sup>. The Council contacted all developers of large sites and applied an assumption for small sites based on an assessment of historic completions of such sites<sup>42</sup>.
46. In respect of the supply figures it should be borne in mind that footnote 11 to paragraph 49 of the Framework does not require certainty of delivery. It does not endorse the suggestion that every possible difficulty that might arise should rule a site out of the supply. The test is whether there is a realistic prospect of delivery and where there is a planning permission (or resolution to grant) the question is whether there is clear evidence that the scheme will not be implemented within the suggested timescale<sup>43</sup>. For a site to be discounted on achievability grounds there must be no realistic prospect of delivery<sup>44</sup>.
47. The appellants have made several references to the Council's decision not to defend a recent appeal at Marden Farm. It should be made clear that the Council's silence on the issues brought up at that appeal in no way indicates agreement with the way in which the Marden Farm appellants have interpreted policy. The decision not to defend the appeal was taken because the Council had not completed its responses to the CS Examining Inspector's concerns and its re-assessment of the housing requirement and supply and was not, at that time, in a position to demonstrate that it had a five year supply. That is no longer the case<sup>45</sup>.
48. With regard to the use of the April 2014 base date for calculating the housing land supply, this was confirmed by the Council to the appellant on 17 February 2014. The estimated completions for 2013/14 were provided to the appellant as part of the housing trajectory and a standard rate of loss through expiry of planning permissions for small sites and known expiry of permissions for large sites was fully considered for the updated housing land supply trajectory. The updated housing land supply statement submitted to the CS examining Inspector, and which forms the basis for the Council's evidence in this appeal differs from that presented in the Deddington appeal<sup>46</sup> in that it is comprehensive and takes into account all components of supply<sup>47</sup> (except for the 220 dwellings at Mead, Westbury that were given permission following the Council's assessment).

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<sup>40</sup> Council's closing submissions 11/12

<sup>41</sup> Council's closing submissions 13

<sup>42</sup> POE Henderson 1.3

<sup>43</sup> Council's closing submissions 16

<sup>44</sup> POE Henderson 5.3

<sup>45</sup> Rebuttal, Henderson 2.1-2.3

<sup>46</sup> APP/C3105/A/13/2201339 (Dunlop original appendix 27 appendix 9)

<sup>47</sup> Rebuttal, Henderson 2.4-2.8

49. It is acknowledged that the National Planning Policy Guidance (NPPG) states that *local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible*. However, there is no shortfall when housing supply is measured against the requirements of the Wiltshire and Swindon Structure Plan 2016. The Council maintains therefore that the Liverpool approach is the most appropriate in relation to this appeal. To apply the housing requirement of the CS to the delivery of homes that precede examination of the CS would be perverse, as the Council could not respond to requirements that were either not known or could be attributed very little weight at the time. As there is no historic under delivery against housing requirements the buffer to be applied should be 5% and not 20%<sup>48</sup>.
50. The remaining areas of disagreement between the parties can be summarised as follows.
- The appellant considers that a base date of April 2013 should be used to determine the housing land supply position whereas the Council consider that an April 2014 base date should be used.
  - The parties disagree on whether there has been persistent under delivery against housing requirements.
  - The appellant uses the LP requirements which are based on the Structure Plan 2011 housing requirements, whereas the Council refers to the most up to date housing requirements applicable at relevant times.
  - The parties disagree on whether the Sedgefield or Liverpool approaches to address any shortfall should be applied and how the Sedgefield approach should be calculated.
  - The parties disagree on the land supply trajectory on all of the contested sites and the allowance to be included for windfall development.

### **The Case for the appellants**

*The main points are:*

51. The development plan consists solely of the LP. This was adopted in 2006 to deliver the development requirements in the Swindon & Wiltshire Structure Plan to 2011, now revoked. Policy H4 is a settlement boundary policy which restricts housing development outside the settlement boundary. It was drawn to reflect the needs for development as judged in 2006 for the period 2006-2011. The settlement boundaries on the 2006 Proposals Map do not purport to provide sufficient land for development needs post 2014, nor at the scale now judged to be necessary<sup>49</sup>.
52. The emerging CS is under examination. Following adverse comment by the examining Inspector in his 10th Procedural Letter, the LPA is proposing Main Modifications, the most pertinent of which are:-
- An increase in overall housing requirement 2006-2026 to 42,000 dwellings;

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<sup>48</sup> Rebuttal, Henderson 2.11-2.17

<sup>49</sup> Appellant's closing submissions 4

- A new disaggregated figure to the North and West Wiltshire HMA of 24,740 dwellings;
- An increased allocation to Malmesbury from 760 to 885 dwellings; and
- The de-allocation of the Chippenham sites with the emerging CS, these now to be considered in a separate Chippenham Allocations DPD. .

For the purposes of this appeal, it has been assumed that these Modifications will find favour with the examining Inspector<sup>50</sup>.

53. Other than the Chippenham sites, allocations are to be determined through a separate Allocations DPD, or through Neighbourhood Plans. There is no draft emerging Chippenham DPD; there is no draft Allocations DPD; there is a draft Malmesbury Neighbourhood Plan, but one to which there is significant outstanding objections<sup>51</sup> and one which was formulated to deliver the previous CS allocation of 760, not the increased allocation of 885. Its weight falls to be considered against its conformity both with the Framework and the CS in the version currently before us<sup>52</sup>.
54. Weight to be given to policies must be judged against the Framework. Policies relating to the delivery of housing, which it is accepted H4 is, are subject to the application of paragraph 49 of the Framework. All extant policies, including housing policies are subject to paragraph 215 of the Framework; all emerging policies are subject to paragraph 216. Where the development plan is 'absent, silent or relevant policies are out of date', the decision to grant or refuse permission turns on the tests in the second bullet of the second half of paragraph 14 of the Framework. It is agreed, here, that the second dagger point does not apply, so it is the test in the first dagger which is determinative: that permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Here, as noted above, there are no adverse planning impacts alleged; all that is alleged is a prejudice to an emerging Neighbourhood Plan which (whatever the debatable merits of its current draft allocations) does not allocate the land it needs to allocate if it is to be in conformity with the CS<sup>53</sup>.
55. Para 215 requires weight to be accorded to extant policies to the extent that they accord with the Framework. That embraces the soundness tests in paragraph 182, which include both (1st bullet) the meeting of development needs and (last bullet) conformity with the Framework; both therefore also embrace the requirement of paragraph 17 3rd bullet to meet development needs, reflected also in paragraph 14 first half and (specifically for housing) paragraph 47; but in addition, the injunction in paragraph 17 1st bullet of a plan-led system includes the requirement that plans be kept up to date. A plan, or a spatial policy within a plan, which does not provide for today's objectively judged development needs is not one which accords with the Framework and not one which is up to date<sup>54</sup>.

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<sup>50</sup> Appellant's closing submissions 5

<sup>51</sup> Dunlop POE App 2

<sup>52</sup> Appellant's closing submissions 6/7

<sup>53</sup> Appellant's closing submissions 8

<sup>54</sup> Appellant's closing submissions 9

56. While it is accepted that the principle of settlement boundaries does not conflict with the Framework, the line drawn on the 2006-2011 Proposals Map is out of date and fails to provide for the currently judged development needs 2006-2026. This was recognised by the CS examining Inspector in his 10<sup>th</sup> procedural letter. As such, the settlement boundary at Malmesbury underpinning H4 is out of date and we are therefore in paragraph 14 of the Framework<sup>55</sup>.
57. Further, as is accepted, H4 is a policy relevant to the supply of housing. It is caught by paragraph 49 if the Council cannot demonstrate a 5 year housing supply and is therefore deemed out of date by the effect of that paragraph alone<sup>56</sup>.
58. This is a case where the Council cannot demonstrate a 5 year supply. The Council accepts that if the base date is April 2013, it cannot demonstrate a 5 year supply. This was agreed to be the conventional base date as it is the date for which the Council has completion figures. It is the base date for the August 2013 HLS document. It remained the Council's chosen base date as recently as 30<sup>th</sup> January 2014, or perhaps, even, as recently as 11th February 2014<sup>57</sup>.
59. By the middle of February, however, it had become apparent that the Council could not demonstrate a 5 year requirement if it continued to use an April 2013 base date and, so, in the HLS document dated 28<sup>th</sup> February 2014 it moved the base date a year forward to April 2014. This enabled it to 'capture' an extra year of delivery from certain large sites and so 'up' its apparent supply. But it also brought the conundrum of not having any completion figures for the year 2013/2014 - part of which had yet to run. The February 2014 HLS document accepts that there is no completion data and so the 1049 'completions' are an 'estimate'<sup>58</sup>.
60. Three controversies are therefore encapsulated in Table 5 of the Clarification Note:
- whether it is permissible to artificially move the base date from a date of known completion data to one of unknown completions to be 'estimated':
  - whether the approach to the shortfall developed within the plan is to roll it into the five years (Sedgefield) or spread it over the whole plan period (Liverpool); and
  - whether the Framework para 47 requires a +5% or a +20% buffer<sup>59</sup>.
61. There is a short answer to each of these: on the Council's 'best' case of an April 2014 base date, with +5% and Liverpool, it has a vaunted 443 surplus, if it can take account of supply from Chippenham sites subject to an as yet unwritten DPD. On Mr Henderson's admission, the most recent and best evidence before the inquiry on North Chippenham, Rawlings Green and SW Chippenham reduces the Council's estimated supply by 150+187+200 - i.e. more than the 443

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<sup>55</sup> Appellant's closing submissions 10/11

<sup>56</sup> Appellant's closing submissions 12

<sup>57</sup> Appellant's closing submissions 13/14

<sup>58</sup> Appellant's closing submissions 15

<sup>59</sup> Appellant's closing submissions 16

- 'surplus' in Table 5. By that admission, the Council's case for a 5 year supply falls - even if it is allowed to get away with moving the base date to April 2014<sup>60</sup>.
62. It is also worth observing the 'long' answers: namely that the 3 controversies are themselves resolved in the appellant's favour by Mr Henderson's own admissions: Sedgefield boosts housing supply more readily than Liverpool; the concept of requirement/delivery contained in the 2<sup>nd</sup> bullet of para 47 is the same as that arising from the exercise in the 1<sup>st</sup> bullet of para 47; and the ruse of extending the base date to a point in time beyond your completion figures is not only novel and unsupported by policy or guidance, it is dependent on a wholly unreliable set of completion estimates.
63. It is also worth noting that the Council did not challenge the evidence in the Marden Farm appeal where the appellant promoted both the Sedgefield method and a 20% buffer. Furthermore, analysis of sites that the Council considers deliverable show that they have been overtly optimistic in their assumptions of the number of houses that could be forthcoming<sup>61</sup>.
64. The only conclusion on the evidence is that the Council cannot demonstrate the required 5 year supply and paragraph 49 is engaged. That alone renders H4 out of date, as admitted by the Council in its consideration of the Marden Farm case and as found by the Inspector in that case. Accordingly, whether by paragraph 215 or by paragraph 49, the development plan policy H4 is out of date, and paragraph 14 of the Framework becomes the source for the operative test. The benefits of the proposal are many, manifest and undisputed. There are no countervailing disbenefits alleged and permission should be granted. The Inspector's first Main Issue is answered in the affirmative<sup>62</sup>.
65. Against this, the Council allege a prematurity point in respect of the emerging MNP. The appellant points to the stage of preparation and the outstanding objections which will need to be examined and whose outcome cannot be pre-judged. As such, paragraph 216 would indicate that little weight can be accorded at present; moreover a decision now of where to place 77 dwellings cannot be taken as being 'central' to a plan that seeks to accommodate 760 units. But there is an antecedent flaw in the Council's case. As framed in its evidence, its prematurely case overlooks two key circumstances<sup>63</sup>.
66. First, even if newly adopted and otherwise to be accorded full weight, the allocation policies and settlement boundary proposed in the MNP are as much 'policies relevant to housing' as old policy H4. As such, they are as much caught by paragraph 49 of the Framework as is H4. If there is no demonstrable 5 year supply (as the evidence, here, shows) they are rendered 'out of date' and paragraph 14 applies<sup>64</sup>.
67. Secondly, whatever the dubious merits of the current scoring system and the allocations that are (or are not) derived from it, the MNP was formulated (and consulted upon) when it was thought that Malmesbury's share of housing

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<sup>60</sup> Appellant's closing submissions 17

<sup>61</sup> POE Dunlop 8.7/8.8/8.9

<sup>62</sup> Appellant's closing submissions 19/20

<sup>63</sup> Appellant's closing submissions 21

<sup>64</sup> Appellant's closing submissions 22

requirement was 760. It is now 885 and the difference - or 'headroom' thereby created is in excess of the 77 dwellings here proposed. The two consequences are that (1) the MNP must now be amended and go through further rounds of consultation and consideration before it can go to referendum and (2) the appeal site is no longer 'instead of' one of the Steering Group's preferred sites, it is 'as well as'. It does not prejudice them in any way. The only point identified by Mrs Powers (education) is agreed not to be prejudiced by the developer<sup>65</sup>.

68. In the previous appeal on the site the Inspector stated that *the increased pressure the development would place on primary education infrastructure, and the possibility that it would be premature in relation to the adoption of the MNP, would not in themselves amount to reasons to refuse planning permission*. Furthermore the Filands appeal Inspector concluded that prematurity was not a reason to refuse planning permission of a scheme of up to 180 dwellings<sup>66</sup>.
69. Limited weight can be attached to the MNP due to a number of factors. Firstly there are outstanding objections to the plan, secondly there are substantive issues still to be resolved in respect of the emerging CS which could impact upon the content of the MNP. Thirdly, the appeal proposals are not of a substantial nature and the cumulative effect would not be significant and lastly, the MNP has yet to be submitted for examination and this cannot take place before the adoption of the CS<sup>67</sup>.
70. The appellant's approach has also been supported by both the Inspector and the Secretary of State in the October 2012 appeal at Stratford-upon-Avon<sup>68</sup> for 800 houses<sup>69</sup>.
71. Consequently, whatever weight the draft MNP has at present, there is no case for suggesting that it would be prejudiced by releasing this site at this time. Add to that fact the fact that there is no site specific objection to this site (on any of the 'constraints' identified by Miss Gibson as limiting growth at Malmesbury, or at all), and there is no reason why development should not be permitted<sup>70</sup>.
72. For all of the above reasons, this is a Framework compliant scheme of much needed housing, on a sustainably located site extending a sustainable settlement, suitable for additional housing and raising no site specific objections. The settlement boundary policy is out of date and the balance to be struck in paragraph 14 of the Framework conclusively indicates that permission should be granted. The prematurity issue is a hollow one given para 216 and/or 49 and/or the change in overall numbers required at Malmesbury since the MNP was formulated<sup>71</sup>.

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<sup>65</sup> Appellant's closing submissions 23

<sup>66</sup> POE Dunlop 9.4/9.5

<sup>67</sup> POE Dunlop 9.18/9.20

<sup>68</sup> APP/J3720/A/11/2163206 Dunlop POE App 30

<sup>69</sup> POE Dunlop 9.26

<sup>70</sup> Appellant's closing submissions 24

<sup>71</sup> Appellant's closing submissions 25

## **The case for Councillor Kim Power (Malmesbury Town Council)**

*The main points were:*

73. The proposed development is premature to the MNP and is not one of the preferred sites in the MNP. This is a well conceived plan which three parish councils have worked together on for over two years. The MNP is sustainable and deliverable and has been widely researched and consulted on. The website gives details of the work and reports, such as the Sustainability Appraisal, Equalities Impact Assessment and Habitats Regulations Assessment that have gone into the process of preparing the plan.
74. The increased CS housing requirement will be taken into account prior to Examination, which it is intended will be at the end of summer/early autumn 2014. We have worked closely with Wiltshire Council and have revised the minimum number of dwellings required as we have been advised of them. The MNP is a material consideration that should be given substantial weight, and it would undermine the viability of the plan if the appeal was allowed.
75. At the start of the MNP process a set of criteria were devised with which to assess 25 potential housing sites in the town. The criteria were developed through consultation with a variety of ecological, urban design, archaeological and other experts. Advice was also received from the Design Council and PlanningAid and public workshops were held with the Prince's Foundation for the Building Environment. In addition to this local residents were consulted and their local knowledge was factored in. Locations for housing, business etc have all been looked at with local knowledge, referred for expert opinion and consulted on with local residents through a long process. The result is a list of housing sites in preferred order. Sites have been looked at as a whole rather than in terms of particular numbers. If more housing is required in Malmesbury then the next site on the list is looked at. To say that we have allocated insufficient numbers is therefore wrong. Throughout the process we have needed to revise the numbers for a variety of reasons and we see this as an ongoing process which will happen again as a result of the amended CS.
76. The appeal site is towards the bottom end of the list after other more preferable and sustainable sites. Based on our assessment process there are several opportunities to allocate land before the appeal site. This is because our allocation far exceeds the requirement for new housing.
77. The housing requirement for Malmesbury between 2006 and 2026 is 885. Of these 496 have already been completed and 291 are committed. This leaves an outstanding figure of 97. However, there is also an outstanding planning permission at Cowbridge with no specific housing number which has been counted as nil in our process. A specific planning application has now been submitted for 30 apartments with 17 more dwellings to follow. The shortfall in Malmesbury is therefore only 50, although this is not really a shortfall as the next site on the list can come forward.
78. Having said that it should be pointed out that we do not view the volume of housing relating to individual sites in this way. Our approach has always been holistic, looking at an area as a whole, not only in terms of environment, heritage etc, but being close to local businesses, providing smaller assisted living apartments for the elderly to downsize to in the town where friends and relatives

can support them, this in turn releasing larger and under occupied houses onto the market for family accommodation.

79. This approach allows us to bring along the right type of housing such as assisted living provision, affordable part buy-part rent housing to suit first time buyers, education provision, a new supermarket and business. In essence we have ensured that there is sufficient infrastructure to support growth and also the right amount of development growth to bring forward infrastructure. It should also be borne in mind that it is likely that all of the housing required in Malmesbury in the period 2006-2026 will have been provided by 2016, half way through the plan period.
80. The school provision solution is an important issue. By bringing together local head teachers, governors, education consultants and Wiltshire Council this issue has resulted in plans for a practical school extension. The delivery of this primary school extension depends on the cooperation of different landowners which is now only happening because of the neighbourhood planning process. In fact the school extension could not go ahead without the availability of the land in this location as part of the housing development in the MNP. Ironically this solution has meant that this issue is no longer cited as a reason for refusal by the Council.
81. The next site on our preferred list is at Cowbridge Farm and this is another example of our holistic approach. Children from any development on this site would be likely to attend a primary school in the neighbouring village of Lea. This already has extra capacity to accommodate more children. The appeal site, whilst available, would have a detrimental effect on the MNP and the policies within it, such as school provision which cannot come forward with only the financial contribution alone.
82. The Government's Localism Bill gained Royal Assent on 15 November 2011. at the time the Secretary of State commented that *today marks the beginning of an historic shift of power from Whitehall to every community to take back control of their lives....residents have a real power over decisions like planning*. If the appeal is allowed then the fundamental principle of localism will be denied to the people of the Malmesbury area, that being the right for our community to have a say over the place where we live, especially as we have progressed so far over two years of work.
83. The neighbourhood planning process has been so successful in Malmesbury that plan development in the form of a new supermarket is coming forward even before the plan itself goes to referendum. Dyson are part of our steering group and plans for an extension to their business have also been submitted. This would include extra sports facilities which would be available to the public. Plans for 53 assisted living apartments are to be submitted shortly. In short, the Malmesbury Neighbourhood plan delivers.

### **The case for Councillor Simon Killane (Chair of the MNP steering group)**

*The main points are:*

84. The steering group consists of 20 people who have produced an evidence based plan utilising local knowledge and expert advice following hundreds of submissions and open days. The MNP is community led, robust and sustainable.



It is the most advanced neighbour plan in Wiltshire – a test case. Allowing the appeal would completely undermine the neighbourhood plan process and this plan in particular.

### **The case for Mr William Allbrook (Trustee of Malmesbury School Academy Trust)**

*The main points are:*

85. The MNP outlines how development will proceed in tandem with the expansion of the primary school, which is currently at capacity. The Park Road appeal is for 77 houses and will produce about 23 primary school pupils. The development will destabilise the current situation and introduce uncertainty. A willingness to enter into a Section 106 Agreement to provide financial contributions for education is unlikely to resolve this problem in the short or long term. Malmesbury has embraced Localism and is advanced with its own Neighbourhood Plan, which supports development in the right places. The proposed development has no local support.
86. Whilst it is very unlikely that any of the houses built on the site will ever flood Park Road floods on regular occasions, sometimes for several weeks. Furthermore, Park Road is a narrow road and is unsuitable for increased traffic. There are few passing places and the adjacent builder's merchant receives deliveries from large lorries early in the morning which would conflict with residents of the proposed estate going to work or doing the school run. This is likely to cause significant congestion.

### **The case for Councillor John Gundry**

*The main points are:*

87. The Statement of Community Involvement published by the appellant's in March 2011 acknowledged that *the majority of respondents raised concerns about the proposals*. Malmesbury Town Council objected to this application after a meeting attended by 110 members of the public. The re-application made in autumn 2012 attracted over 100 letters of objection from residents. These figures demonstrate the level of local opposition to the development. It is clear that the Town Council and people of Malmesbury have repeatedly and thoroughly rejected development of this site.

### **The case for Mr Robert Tallon (Chairman of Brokenborough Parish Council)**

*The main points are:*

88. The parish council joined with Malmesbury Town Council and Malmesbury St Paul's Without Parish to produce a robust local plan. The plan has allocated enough development sites to accommodate the recent increase demanded by the minister. The appeal site is not favoured to satisfy current demand. We are rapidly approaching the point where the plan will be put to a public referendum, which we are confident will show strong acceptance. It is difficult to over emphasise the importance of allowing the MNP to be the arbiter of where (and how many) houses should be built.
89. The road from the appeal site through Brokenborough will be used by vehicles to avoid congestion in Malmesbury. This mile and a half long road has few passing

places, a pinch point at the centre of the village and a dangerous access to the Tetbury Road. Park Road is also sensitive for many of the same reasons, including road heave and dangerous bends.

### **The case for Mr David Jarvis**

*The main points are:*

90. The emerging CS will establish the level of development appropriate for Malmesbury and the MNP will determine the precise details. That is localism at its best, an approach wholly in line with government thinking, and the appeal site should be examined fairly through this process, not in isolation through this Inquiry. If the appeal is allowed almost 30% of the currently identified housing need will have been pre-determined in an unbalanced way and the whole neighbourhood plan process will have been seriously devalued if not fatally damaged. What would have been the point of all the work that has been undertaken and who is going to have the slightest interest in attending or contributing to future requests for local involvement.
91. The Transport evaluation prepared for the appellant reads like a desk study with a complete lack of understanding as to how traffic moves in, out and around Malmesbury. The route from Park Road to Filands is frequently slow or at a standstill for a number of reasons not least of which centres on the time of the school run and Dyson staff arriving and departing. Anyone leaving the appeal site wishing to go west is likely to use the single track road through Brokenborough. Flooding is also a major issue at the appeal site and particularly the access road.

### **Written Representations**

92. Written representations were received from a great number of individuals. All objected to the proposed development. Rather than detail each individual objection I will outline the main points raised. These related to traffic congestion and safety, the capacity of the local infrastructure including schools and the regular flooding of Park Road. Other points concerned the ecological impact of the proposed development and the fact that the site abuts an Area of Outstanding Natural Beauty. Many objectors also commented on the fact that the proposed development would be prejudicial to the MNP. Two individuals also objected to the proposed development on the grounds of invasion of privacy and that light and warmth to their property would be compromised.

### **Conditions**

93. In the event that planning permission is granted the appellants and the Council have agreed a list of conditions which they would wish to see imposed on the planning permission. This list is found in Inquiry document 11. I attach at Annex 1 of this report the conditions I recommend if permission is granted. My recommendation takes account of the agreement of the parties and the discussion at the Inquiry.
94. The first three conditions are standard and, as the application was in outline, relate to the submission of the reserved matters and the timing of these and the implementation of the permission.

95. In the interest of the final character and appearance of the proposed development I consider it would be necessary to impose conditions relating to the finished floor levels and height of dwellings (4 & 5), the materials to be used in the external surfaces of dwellings (6) and tree protection and landscaping (15, 16, & 17) For the same reason I have recommended a condition designed to ensure that the final scheme is in line with the submitted illustrative masterplan (23) and additional ones requiring further details of lighting and the provision for the storage of refuse and re-cycling materials (20 & 22).
96. To comply with the requirements of the statutory authorities and prevent the proposed development causing flooding problems it is necessary that works are carried out in line with the previously submitted Flood Risk Assessment (7) and that further details of the drainage scheme for the site are submitted (8). As the access road is liable to flooding it would also be necessary to impose a condition to ensure an emergency flood evacuation plan is in place (24).
97. I recommend that conditions are imposed relating to the submission of further details of the proposed road system (13) and of details for parking arrangements (12). As well as these it is necessary that improvements are carried out to the junction with Park Lane (11). These conditions are necessary in the interest of highway safety and the amenity of future residents. Further conditions are also necessary in the interests of the amenity of future residents in relation to a Crime Prevention Plan (21) and a contamination investigation (9).
98. To protect the environment and local ecology it is also necessary that conditions are imposed requiring the submission of a Construction Environmental Management Plan and an Ecological Management Plan (18 & 19). In the interest of the amenity of local residents I also consider it necessary that a Construction Method Statement is submitted (14). As the site is on the edge of Malmesbury, a medieval settlement, I also recommend that an archaeological investigation is carried out (10).
99. Lastly, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the submitted and approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore recommended a condition to this effect (25).

## Obligations

100. The Council's third reason for refusal related to the provision of affordable housing and contributions to mitigate the effect of the proposed development. During the Inquiry I was supplied with a signed and dated Section 106 Agreement<sup>72</sup> that would facilitate the provision of the affordable housing and also contributions towards the provision of cemeteries, highway improvements, indoor leisure, off site play area, waste containers and secondary and primary education to mitigate the effects of the proposed development. The Council confirmed that the Section 106 Agreement overcame the third reason for refusal.
101. Whilst the contributions have not been contested by the appellants it is nonetheless incumbent on me to assess them against the tests outlined in Community Infrastructure Levy (CIL) Regulation 122. These tests, which are

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<sup>72</sup> Inquiry Doc 18

also set out in paragraph 204 of the Framework, are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

102. For this purpose the Council have supplied me with a document<sup>73</sup> that gives the justification and relevance for each of the requested contributions. For each contribution the document gives the policy background, necessity and proposed use for the contributions. In light of this I consider that the required contributions meet the tests outlined in CIL Regulation 122.

The report continues on the next page

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<sup>73</sup> Inquiry Doc 19

## Conclusions

*The numbers in square brackets in superscript <sup>[1]</sup> refer to previous paragraphs*

103. The Council gave three reasons for refusal. One of these related to the submission of a Section 106 Agreement and this has been discussed earlier. Of the other two reasons, one related to the location of the appeal site outside of the settlement boundary and the second concerned the prejudicial impact on the emerging MNP. Whilst these two reasons were given separately and to an extent discussed separately at the Inquiry, it is nonetheless incumbent on me to bring them together when arriving at an overall planning balance in my final recommendation.

### *Five year housing land supply*

104. Firstly however I will consider the question of the five year housing supply. Paragraph 49 of the Framework makes clear that *housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.* In light of this paragraph it is necessary to consider whether or not the Council can demonstrate a five year supply of deliverable housing sites.

105. The clarification note confirms the following agreed figures. An annualised requirement for the Malmesbury area (the North and West Housing Market Area) of 1,237 homes. This figure derives from correspondence between the Council and the draft CS Examining Inspector, and I have no better evidence of an objectively assessed need for the future. The parties also agree that total completions for the period 2006-2013 were 8,189 homes. The Council's estimated completions for 2013-2014 are 1,049 although this is not agreed by the appellant. Using this figure gives a total number of completions for the period 2006-2014 of 9,238 against the requirement of 9,896, giving a shortfall of 658 homes over the period. The differences between the parties were succinctly outlined in the Clarification note<sup>[56]</sup> and I will consider the matters in that order.

### *Base date*

106. In their most up to date housing land supply assessment the Council have used a base date of April 2014<sup>[45]</sup>. Using this base date they can, in their view, demonstrate a five year housing land supply, although they accept that using an April 2013 base date they cannot demonstrate such a supply<sup>[15]</sup>. The figures used by the Council in assessing the housing supply for the April 2014 base date are based on information gained through consultation with site representatives in December 2013<sup>[45]</sup> for large sites and an assumption for small sites based on an assessment of historic completions. The Council consider the figures to be robust, comprehensive yet conservative<sup>[45]</sup> and to take into account all components of supply<sup>[48]</sup>.

107. Whilst such a methodology is unusual I am mindful that the Inquiry itself took place in April 2014 and that, consequently, if the April 2013 base date was used then the figures would be almost a year out of date. Furthermore, I also note that the figures presented by the Council do not include the permission for 220

dwellings at Mead, Westbury that was given following the Council's assessment<sup>[48]</sup>.

108. On balance I consider that, from the information available to me, the information obtained by the Council can be considered to be a reasonable estimate of the likely number of completions. Therefore the use of the April 2014 base date, although unusual and not necessarily applicable in other circumstances, is appropriate and acceptable in this particular case. I note that this conclusion differs from that of the Inspector in the Deddington appeal<sup>[48]</sup>, but I consider that in the case before me the Council have more fully taken into account all the components of supply.

*Sedgefield or Liverpool method for dealing with any shortfall*

109. The Sedgefield method incorporates the housing shortfall into the first (or next) five years of the plan period. In this case that would mean adding the shortfall of 658 homes to the base requirement of 6185 over the period 2014-2019. The Liverpool method distributes the shortfall over the whole (or remaining) plan period. Using this method only 274 homes would be added to the base requirement over the period 2014-2019.
110. As regards which approach is the most suitable, I note that the NPPG states that *local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible*. Furthermore, in the Planning Advisory Service document entitled *Ten Key Principles for owning your housing number*, it is made clear that *the Sedgefield approach is more closely aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and remedy the unsatisfactory consequences of persistent under delivery*.
111. I note that in the Barwell appeal<sup>[44]</sup> the Inspector found the Liverpool method to be preferable. This was however based on the premise that applying the shortfall over the shorter time period would not be realistic based on the economic climate prevailing at that time. In the case before me I have been given no significant evidence to show that applying the shortfall over the shorter period would be unrealistic. For this reason, and taking into account the advice given in the NPPG, I consider that the Sedgefield method should be followed.

*5% or 20% buffer*

112. The Framework makes clear in paragraph 47 that local planning authorities should provide five years worth of housing against their housing requirements with an additional buffer of 5%. The paragraph goes on to indicate that where there has been a record of persistent under delivery then the buffer should be increased to 20%.
113. As outlined above the shortfall for the period 2006-2014 is 658 homes. The Council point to the fact that there is only a shortfall if the CS requirement is used, rather than the requirements of either the development plan at the time (the Wiltshire and Swindon Structure Plan - WSSP) or the draft Regional Spatial Strategy (dRSS). However, the fact is that the Council have accepted an annual requirement of 1237 homes and the CS covers a twenty year period starting in 2006. I also note that the annual requirements of the WSSP were considerably less than those required by the CS and would have dated from evidence gathered

prior to 2006, and considerably before the introduction of the Framework and the requirement that housing supply should be significantly boosted. I consider therefore that the figure of 1,237 should be the amount by which the supply of housing should be judged. There is therefore a shortfall of 658 homes over the period 2006-2014, and the Council themselves acknowledge that delivery has fallen below the requirement over a continuing period<sup>[42]</sup>. It follows that the buffer to be applied should be 20%.

114. Having arrived at an estimate of the housing requirement it is now necessary to estimate the housing supply likely to become available over the next five years. The two main parties differ on a number of sites as shown in table 3 of the Clarification, and these were discussed at length during the Inquiry. Footnote 11 to paragraph 47 of the Framework makes clear that *to be considered deliverable sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site with five years and in particular that development of the site is viable*. The footnote goes on to state that *sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans*. I will bear these factors in mind when considering the potential of the disputed sites below.

115. The NPPG also deals with this issue and states that a site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site and the capacity of the developer to complete and let or sell the development over a certain period. I will deal with each site in turn.

### Hunters Moon

116. This site has a recommendation to approve subject to a section 106 Agreement. The Council expect the site to deliver a total of 371 homes over the next five years. They have taken account of slippage that has already occurred by accepting that 51 homes will be delivered in the year 2014/15 instead of the 104 previously anticipated.

117. The appellant points to various factors that could delay the delivery of homes including the fact that there are cautions registered on the title of the land as well as restrictive covenants. They also point to the Council's CIL charging schedule which is currently in preparation, which in the eyes of the appellant could be a factor in delaying a start on the site by delaying the signing of the Section 106 Agreement.

118. I consider that several of the points made by the appellant could be common to many sites and do not necessarily constitute clear evidence that development will not be deliverable. Conversely, I also note that the site does not actually have planning permission and that the housing trajectory assumed, although reducing the number of homes completed in 2014/15 to 51 from 104, still indicates that these houses will be complete by *spring 2015* (see Henderson Rebuttal App 4). I find this to be unlikely given the constraints outlined above and also the slippage that has already occurred. However, I also consider the figures put forward by the appellant to have little substance or evidential basis.

On balance I think it unlikely that the site will produce homes in the year 2014/15 but that there is no reason to doubt that thereafter it could produce at the rate assumed by the Council. It follows that this site will be likely to produce 51 homes less than the Council predict and therefore only 320 in the next five years.

#### Foundry Lane

119. This is a LP allocation site. It is a brownfield employment site still in active use and remediation of contamination would be required prior to development. However, there is a resolution to grant planning permission for a mixed use scheme subject to a satisfactory Section 106 Agreement, which the Council confirmed is in the process of being finalised. I also note that the application has been submitted by the owners and not third party developers. Furthermore, the Council have assumed only 75 completions over the plan period with the first 25 completions not until 2017/18. Nothing in the appellant's evidence leads me to consider such an outcome to be unlikely. I consider therefore that this site could produce the 75 homes as assumed by the Council.

#### Landers Field

120. This site is a saved LP allocation owned by the Council but has not been marketed and has no planning permission or resolution to grant. The appellant considers that the site cannot be developed until it appears in the housing allocations development plan document (DPD) that has yet to be published. Conversely the Council point to the fact that the site is relatively small and that a two year lead in time has been allowed for such that no homes are predicted until 2016/17. On balance, given the small size of the site and the allowed lead in time I consider the Council's trajectory to be reasonable. The site will therefore in my view be capable of producing 150 homes over the next five years.

#### North Chippenham

121. This site has a resolution to grant planning permission and the Council consider that it will provide 510 homes over the next five years. However, an email from the developer dated 14 March 2014 (see Dunlop appendix 12 of updated appendix 27) provides a revised trajectory that would result in only 360 homes over the period. Whilst the Council consider this figure to be pessimistic it is nonetheless an up to date assessment from the actual developer and I have been given no significant reason to arrive at a different figure. I consider therefore that this site could deliver 360 homes over the next five years.

#### Rawlings Green

122. This site has the same developer as North Chippenham but has yet to be subject to a planning application. In the same email that gave a likely trajectory for the previous site the developer also gave a likely trajectory for this site. This figure was 100 homes and once again I have been given no significant evidence that would lead me to arrive at a different figure. The site is therefore likely to produce 100 homes in the next five years.

#### South-west Chippenham

123. This site is proposed as a strategic site within the CS. This means that it will be subject to the as yet unpublished DPD. Whilst on the negative side this could



mean a delay, on the positive side the housing requirement for Chippenham will increase due to the Examining Inspector's report. The appellant points to the fact that a new Transport Study for Chippenham will have to be carried out which will in turn have an impact on the publication of the DPD. At the Inquiry it was made clear that some preparatory works were being carried out in advance of the DPD and it was also pointed out by the Council that it would be in the developer's interest to demonstrate the readiness of the site in comparison to other sites in Chippenham.

124. This site was also considered by the Inspector in the Widham Farm appeal where he considered that a two year lead in period after the submission of a planning application was more real realistic than the Council's allowed for eighteen months. The Council have taken this point on board in their housing trajectory for the site and assumed that no homes will be built prior to 2016/17. I accept the need for the DPD and Transport Study but nonetheless consider that, with the lead in time of two years, the Council's trajectory is not overly optimistic. I consider therefore that this site could produce 275 homes over the next five years.

125. In arriving at my conclusions in relation to the Chippenham sites I have taken note of the appellant's suggestion that as they are to be the subject of a future DPD then they should be discounted completely. This would seem to be a somewhat draconian measure and I consider that the lead in times allowed for these sites allow sufficient time for the adoption of the DPD.

#### Ashton Park Trowbridge

126. This is a large site that has been the subject of a Statement of Common Ground between the Council and the developer (see Henderson appendix 13a). This indicates that an outline planning application would be submitted by September 2013 with a determination by April 2014. At the Inquiry it was made clear that no application had yet been received. It follows that slippage has already occurred. Whilst I note that the Council have included a year's slippage in their trajectory as against the trajectory given in the Statement of Common Ground, I nonetheless consider the prospect of this site delivering 600 homes within the next five years to be overtly optimistic. In light of this I conclude that this site could produce only 350 homes over the next five years.

#### Kingston Farm/Moulton Estate

127. This site has a resolution to grant planning permission subject to a Section 106 Agreement and the Council have estimated that 20 homes will be delivered in the year 2015/16, with 45 each year thereafter. The appellant's have pointed to a letter dated 19 February 2014 from Planningsphere (see Dunlop appendix 16 of appendix 27) that indicates that there is a viability problem with the required 30% affordable housing requirement when taken in combination with the Section 106 financial contributions. However, this letter also outlines a proposed viability resolution process that would culminate at the end of June 2014. Whilst some slippage may occur to this process it still seems to me that it would be perfectly possible for 20 homes to be delivered by the end of 2015/16. I consider therefore that this site could deliver the 138 homes over the next five years as indicated by the Council.

## Marden Lane

128. This site received outline planning permission on 2 April and the Council anticipate that it will produce 25 homes in the year 2014/15. The appellant considers this to be optimistic and points to the 23 conditions attached to the permission. However, 23 conditions is not to my mind a particularly large amount and I have been given no significant evidence to show that the anticipated 25 homes cannot be achieved. Furthermore, even if 25 could not be produced in the year 2014/15 I have been given no evidence to show that any deficiency in this year could not be made up in subsequent years. I therefore consider that this site could produce 125 homes over the next five years.
129. The aggregate of the homes that would be produced on the above sites amounts to 1,993. This figure added to the undisputed supply of 4680 given in the Clarification gives a total 5 year housing supply of 6823. I have already found that the 5 year requirement is 8080 and it follows that the Council only have a 4.1 year supply of housing. The outcome of this is that the Council's relevant policies for the supply of housing cannot be considered to be up to date and therefore paragraph 49 of the Framework is invoked.

### *First main consideration – settlement boundary*

130. The Council referred to policy H4 of the LP in their reason for refusal. Policy H4 prevents housing in the countryside and the justification for the policy in paragraph 9.9 of the LP makes clear that this reflects *the strict controls placed on new residential development within the countryside at all levels of planning guidance*. Whilst the policy seeks to protect the countryside it is nonetheless a policy that relates to the supply of housing and therefore, in line with paragraph 49, should not be considered to be up to date.
131. It follows that the second bullet point of paragraph 14 of the Framework comes in to force. This makes clear that *where the development plan is absent, silent or relevant policies are out of date permission should be granted unless 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*.
132. In arriving at the conclusion relating to policy H4 I have taken into account the Council's comments that it is their intention to save it in the CS and that there have been no objections to this course of action. I also note that the possibility of amending the settlement boundaries around Malmesbury has been considered through the neighbourhood planning process, and it has been demonstrated that with the allocations proposed, the existing settlement boundary has been deemed to be satisfactory. These matters do not however lead me to different conclusion in respect of policy H4.

### *Second main consideration - prejudice to the plan-led approach*

133. Paragraph 216 of the Framework advises on the weight that can be afforded to an emerging development plan. It makes clear that decision makers may give weight according to (1) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given), (2) 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 (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

134. The Council point to the fact that the CS is at an advanced stage of preparation and is highly consistent with the Framework<sup>[16]</sup>. It was submitted for Examination in 2013 and the Examining Inspector suggests that a summer 2014 target would appear to be the earliest reasonable adoption date, although I consider this possibility to be unlikely. The appellant points to the modifications necessary to the CS as a result of the Examining Inspector's 10<sup>th</sup> procedural letter<sup>[52]</sup>. These include an increase in the housing requirement and the necessity for a separate Allocations DPD, as well as one specific to Chippenham. The increased housing requirement means that a total of 885 dwellings are allocated to Malmesbury rather than the previously catered for 760.
135. This brings me on to the question of the MNP. Considerable work has been undertaken on this including an informal six week consultation. Twenty five potential housing sites were assessed against a set of criteria that were developed through consultation with a variety of experts<sup>[75]</sup>, and the appeal site came towards the bottom of the list, below more preferable and in the promoters of the MNPs view, sustainable sites. I am also aware that the MNP has been prepared in an holistic manner with considerable thought given to the provision of the right form of housing in the right place in relation to infrastructure and services<sup>[78]</sup>.
136. In relation to this it was made clear at the Inquiry that an extension to the primary school in Malmesbury has been negotiated that would cater for the increased number of children arising from homes built adjacent to the school in line with the sites allocated in the MNP. The promoters of the MNP also considered that whilst an education contribution from the appellants would remove the Council's objection in respect of education, providing the contribution would not in itself result directly in a practical solution to the question of future education provision<sup>[80]</sup>. I also note that the promoters of the MNP consider that any further housing should be located on the other side of Malmesbury, such that the children arising from that housing could attend schools with capacity in neighbouring villages<sup>[80]</sup>. In terms of actual numbers it was pointed out that of the 885 homes required in Malmesbury between 2006 and 2026 only 50 are now outstanding<sup>[77]</sup>, and it is likely that all will have been provided by only half way through the plan period<sup>[79]</sup>.
137. Against this the appellant points to the fact that the MNP still has to undergo Examination, that there are outstanding objections<sup>[61]</sup>, and that therefore in line with paragraph 216 of the Framework less weight should be afforded to it. This is an important point that carries significant weight. The objections are on the grounds that firstly, the proposals within the MNP are unsound as they predetermine the outcome of the CS Examination, secondly, that the site selection process is flawed and that thirdly, although somewhat similarly, there is insufficient evidence to support the preferred housing sites within policies 1 and 2 of the MNP as the most suitable and sustainable for development.
138. In respect of the first point, communication between the Council and the Examining Inspector for the CS has shown that the Council accept the recommended increased housing requirement. The Council have dealt with the Inspector's recommendations in an expeditious manner, he has indicated that the

CS could be adopted as soon as summer 2014, and has given no indication in any of his correspondence that the CS could be found unsound. The MNP is in line with the CS and its promoters consider that it could accommodate the required increase in housing without modification. Notwithstanding this however, the MNP still has to undergo examination and a referendum, and these processes are unlikely to happen until the CS is closer to adoption.

139. As regards the second point I accept that the site selection process has been undertaken with advice from a number of professional bodies<sup>[75]</sup>. Whether or not the process is sound is a matter for the Examiner, and it would be inappropriate to consider the matter in the context of this Inquiry. However, there is the possibility that the process could be found not to be sound and evidence is likely to be presented to justify that position. This considerably limits the weight that can be afforded to this argument by the Council.

#### *Other decisions*

140. I have been provided with many appeal decisions by both main parties which are produced to support their cases. However, it is rarely the case that appeal decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for decisions one way or the other. That is certainly the case here. For that reason I do not accept that any of the appeal decisions brought to my attention can have a determinative influence on this case.

#### **Other matters**

141. Several interested parties mentioned the flooding in Park Road. There is no argument that this does occur and photographs and video evidence given at the Inquiry confirm this. However, the site itself would not flood and a secondary emergency access would be provided. These factors, combined with the fact that the statutory authorities have not objected to the scheme lead me to conclude that this is not an issue that can be cited as a reason to refuse planning permission. Similarly, several parties have expressed concern about the surrounding road network, particularly the road to and through Brokenborough. The highway authority has not objected however, and I have been given no substantive evidence to show that there would be highway safety and congestion ramifications of such a serious nature that permission should be refused.
142. The site does abut an Area of Outstanding Natural Beauty but little evidence has been presented that there will be harm occasioned to this and a condition has been suggested that would require the provision of an Ecological Management Plan for the development. One household also expressed concern about the impact of the proposed development on their property in terms of light, warmth and invasion of privacy. However, layout is not a matter in this Inquiry and is for consideration at a later date. It is at that time that such matters should be taken into account.

#### **Overall balancing exercise**

143. The Council cannot demonstrate a 5 year housing land supply. Therefore the second bullet point of the second section of paragraph 14 comes into play and the proposed development should be granted permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. The

benefits would see a boost in housing supply with associated affordable housing on an acknowledged sustainable site where no site specific objections have been identified by the Council. The scheme would create jobs and have economic benefits, and in light of these factors would be in compliance with the definition of sustainable development contained within the Framework. Significant weight should be attributed to these matters.

144. Against this the Council pointed to the likely prejudicial impact on the development plan process. However, the CS is still in draft form and whilst I accept that considerable work has gone into the formulation of the MNP, it still has to undergo examination and a referendum. Furthermore, the quantum of housing proposed is very small in relation to the overall quantity required in the North and West Housing Market Area. I note that the promoters of the MNP consider that even this amount of houses would mean that Malmesbury would have received more houses by half way through the plan period than planned for the whole of the period. However, the assessed housing need is not a maximum figure, and the Framework makes clear that housing numbers should be boosted significantly.

145. Overall, given my above findings, I consider that there are no adverse impacts of such magnitude that they significantly and demonstrably outweigh the benefits. The planning practice guidance makes clear that *arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits*<sup>74</sup>.

### **Recommendation**

146. It follows that for the reasons given above and having regard to all other matters raised, I recommend that the appeal be allowed.

*John Wilde*

Inspector

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<sup>74</sup> ID 21b-013-20140306

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Stephen Sauvain Q.C.            Instructed by Mr I R Gibbons, Solicitor to the Council

He called

Miss Carolyn Gibson            Spatial Plans Team Leader, Wiltshire Council  
BA (Hons) MRTPI

Mr Mark Henderson BSc        Senior Planning Officer, Wiltshire Council  
(Hons) MA MRTPI

### FOR THE APPELLANT:

Mr Christopher Boyle Q.C.        Instructed by D2 Planning Limited

He called

Mr D S Dunlop BA                D2 Planning Limited  
(Hons) MRTPI

### INTERESTED PERSONS:

Councillor Kim Power	Malmesbury Town Council
Councillor Simon Killane	Malmesbury Town Council
Mr William Allbrook	Trustee of Malmesbury School Academy Trust
Councillor John Gundy	Mayor of Malmesbury
Councillor Robert Tallon	Chairman of Brokenborough Parish Council
Mr David Jarvis	Local resident

## Documents

### Core documents:

- 1) Wiltshire and Swindon Structure Plan 2016
- 2) North Wiltshire District Local Plan 2011
- 3) RSS Secretary of State's Proposed Changes July 2008
- 4) The Regional Strategy for the South West (Revocation) Order – Secretary of State, May 2013
- 5) Wiltshire 2026 - Planning for Wiltshire's Future October 2009
- 6) Wiltshire Core Strategy Consultation Document, June 2011
- 7) Wiltshire Core Strategy Pre-Submission Document, February 2012
- 8) Wiltshire Core Strategy Schedule of Proposed Changes, June 2012
- 9) Correspondence between Core Strategy Inspector and Council (EXAM 75, EXAM76, EXAM77, EXAM78b, EXAM80, EXAM81, EXAM82)
- 10) Wiltshire Core Strategy Focused Consultation September 2012
- 11) Wiltshire Core Strategy Examination Document TOP/21 – Topic Paper 15 Housing Requirement Technical Paper
- 12) Wiltshire Council response to Inspector on the Consultation on 2011 Household Projections and revocation of the RSS – WC, May 2013
- 13) Waste Core Strategy July 2009
- 14) Affordable Housing Supplementary Planning Document (NWDC April 2008)
- 15) North Wiltshire Open Space Study (2004)
- 16) Ministerial Statement 'Planning for Growth' (March 2011)
- 17) Waste Storage and Collection – Guidance for New Developments
- 18) South Wiltshire Core Strategy Inspector's Report
- 19) Housing Land Availability Report April 2012 (dated April 2012 published August 2014 Doc Ref Exam 63)
- 20) Wiltshire Council Strategic Housing Market Assessment December 2011
- 21) Strategic Housing Land Availability Assessment Practice Guidance — DCLG, July 2007
- 22) Delegated Officer Report January 2012 for appeal application
- 23) Widham Farm Appeal decision APP/Y3940/A/09/2107373 dated 30th November 2009
- 24) Widham Farm Appeal Decision APP/Y3940/A/11/2165449 Dated 27th November 2013

- 25) Brynards Hill Appeal Decision 12thMay 2011 APP/Y3940/A/10/2141906
- 26) Filands, Malmesbury appeal decision APP/Y3940/A/12/2183526 March 2013
- 27) Filands, Malmesbury appeal decision withdrawal letter March 2013
- 28) Ridgeway Farm, Swindon appeal decision APP/Y3940/A/11/2166277 —PINS & Secretary of State, November 2012
- 29) Land off Silver Street & White Horse Way and Land off Oxford Road, Calne appeal decisions APP/Y3940/A/12/2169716 —PINS, September 2012
- 30) Park Road, Malmesbury appeal decision APP/Y3940/A/11/2159115 —PINS, March 2012
- 31) Land at Sellars Farm, Gloucestershire appeal decision APP/C1625/A/11/2165865 — PINS, May 2012
- 32) Land to the rear of Verrington Hospital, Wincanton appeal decision APP/R3325/A/12/2170082 —PINS, August 2012
- 33) NPPF
- 34) Core Strategy Hearing session tracked change version August 2013
- 35) Marsh Road, Hilperton (APP/Y3940/A/13/2192250, August 2013
- 36) PAS NPPF Toolkit
- 37) Wainhomes (south west) Holdings Limited and the Secretary of State [2013] EWHC 597 Admin
- 38) Open Space SPD
- 39) Wiltshire Council Sustainability Appraisal Report September 2012
- 40) Wiltshire Core Strategy Examination in Public SOCGs Rawlings Green Chippenham, North Chippenham, Ashton Park and West Warminster
- 41) 'Working Towards a Core Strategy - Report on the Conformity of the Wiltshire Core Strategy Pre-Submission Document to the National Planning Policy Framework' (WCS/04)
- 42) Application of the PAS Self Assessment Toolkit - comprising current soundness and Legal Compliance Test (WCS/05)
- 43) Planning Policy Statement 1: General Principles
- 44) EXAM/29
- 45) Fairdown Avenue, Westbury (APP/Y3940/A/13/219651, August 2013
- 46) The Wiltshire Core Strategy Inspectors 10<sup>th</sup> procedural letter, 2nd December 2013
- 47) Wiltshire Councils response to the 10<sup>th</sup> procedural letter, 19 December 2013
- 48) The Wiltshire Core Strategy Inspectors 11<sup>th</sup> procedural letter, 23rd



December 2013

- 49) Wiltshire Councils response to the 11<sup>th</sup> Procedural letter, 29 January 2014 and statement on methodology for disaggregation of increased housing requirement to community area and housing market area level.
- 50) Wiltshire Core Strategy Inspector's 12<sup>th</sup> Procedural letter, 4 February 2014
- 51) Draft Malmesbury Neighbourhood Plan Volumes 1 and 2
- 52) Malmesbury Neighbourhood Steering Group MNSG 'Basic Conditions' Statement
- 53) EXAM84, EXAM85, EXAM86, EXAM90 EXAM91

Documents handed in during the Inquiry:

- 1) Appearances – Council
- 2) Henderson POE – summary
- 3) Gibson POE – summary
- 4) Council opening submissions
- 5) Letter dated 24 February giving notice of the Inquiry
- 6) Statement by Mr William Allbrook
- 7) Statement by Councillor Gundy
- 8) Statement by Councillor Robert Tallon
- 9) Statement by Mr David Jarvis
- 10) Henderson rebuttal statement
- 11) List of conditions
- 12) MNSG housing and supermarket site selection score
- 13) Clarification note regarding 5 year housing land supply matters
- 14) Statement by Councillor Power
- 15) Sheet showing small windfall delivery 2009-12
- 16) Sheet showing Council's targeted survey of large sites
- 17) Bundle of correspondence relating to housing delivery
- 18) Section 106 Agreement
- 19) Evidence to justify the Section 106 Agreement
- 20) Appeal decision APP/Y3940/A/13/2206076
- 21) Extract from the NPPG

- 22) Extract from the NPPG
- 23) Statement from Councillor Power
- 24) Addendum to MNSG site selection criteria
- 25) Attendance sheets
- 26) Costs application by the appellant

## **Annex 1 - Schedule of conditions**

- 1) The development hereby permitted shall begin either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) No building on any part of the development hereby permitted shall exceed two and a half storeys in height.
- 5) No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (dated September 2012), including the following mitigation measures detailed.
- 8) Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 9) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:
  - i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

- ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
  - iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.
- 10) No development shall commence on site until: a) a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and b) The approved programme of archaeological work has been carried out in accordance with the approved details.
- 11) No works shall commence on site until the improvement of Park Lane has been completed in accordance with approved drawing number: BSP-MALMESBURY-1/01B. Full construction details of the highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement. The works shall subsequently be implemented in accordance with the approved details.
- 12) Before occupation, each dwelling shall be provided with a properly consolidated and surfaced parking area at a ratio of 1 space for a 1 bedroom dwelling, 2 spaces for a 2 or 3 bedroom dwelling and 3 spaces for a 4+ bedroom dwelling.
- 13) No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the above approved details have been implemented in full, unless an alternative timetable is agreed in the approved details.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors

- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

- 15) No demolition, site clearance or development shall commence on site until an arboricultural statement and tree protection plan of all relevant details above and below ground have been submitted to and approved in writing by the Local Planning Authority. No retained tree/s shall be cut down, uprooted, or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.

No equipment, machinery or materials shall be brought onto the site for the purpose of development until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Trees in Relation to Construction has been submitted to and approved in writing by the Local Planning Authority and protective fencing has been erected in accordance with the approved plans. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

In this condition "retained trees" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development whichever is later.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk or any tree or group of trees to be retained on the site or adjoining land.

- 16) No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (ASM) prepared by an arboricultural consultant providing comprehensive details of construction in relation to trees shall be submitted to and approved in writing by the Local Planning Authority. All works shall subsequently be carried out in strict accordance

with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837: 2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837: 2005
- A schedule of tree works conforming to BS3998: 2010
- Details of general arboricultural matters such as the area for the storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities which have implications for trees on or adjacent to the site;
- Day and sunlight calculations must be submitted in accordance with
- Building Research Establishment guidance and British Standard 8206-2:
- 2008. Code of Practice for Daylighting.

The development shall be carried out as specified in the approved Arboricultural Method Statement (ASM) and shall be supervised by an arboricultural consultant.

- 17) A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

- 18) Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. As a minimum this shall include measures to:
- Protect and translocate any reptiles from working areas of the site;
  - Protect hedgerows and trees in accordance with BS5837;
  - Avoid the potential for polluted run-off water leaving the site.

All development shall be carried out in full accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority.

- 19) Prior to commencement of development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. As a minimum this shall include measures for:
- Management of all semi-natural habitats including grassland, hedgerow, woodland and wetland features;
  - Restoration of the pond;
  - Details of hibernacula to be created;
  - Details of bird and bat boxes to be erected on trees.
- 20) Prior to commencement of development a lighting scheme including a lux plan for the development shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in full accordance with the approved lighting scheme and retained as such thereafter.
- 21) Prior to the commencement of development, a Crime Prevention Plan detailing security and crime prevention measures setting out how the development will achieve an appropriate standard of security shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in full accordance with the approved Crime Prevention Plan and retained as such thereafter.
- 22) No development shall commence on site until details of the storage of refuse, recycling and composting, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be first occupied until the approved refuse, recycling and composting storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.
- 23) No development shall take place until an urban design and framework plan for the development of the site has been submitted to and approved in writing by the local planning authority. The plan shall be substantially in accordance with G2650 – Illustrative Masterplan 18.10.12 and shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall include:
- the arrangement of street blocks;
  - the overall level and location of car parking at the site;
  - the density and mix of dwellings;
  - the general location of affordable housing;
  - building heights and massing;

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

- 24) No Development shall take place until a flood emergency evacuation plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall incorporate and reflect management arrangements for the gated emergency access route included within the Signe S106 Agreement dated .....
- 25) The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the Local Planning Authority. Amendments may require the submission of a further application.
- BSPMALMESBURY.1/02- Proposed access arrangement
  - Site Location Plan 18.10.12
  - Site Plan and Section Plans 1,2 & 3 18.10.12
  - Site Sections 18.10.12
  - G2650 – Illustrative Masterplan 18.10.12
  - BSPMALMESBURY.1





## Department for Communities and Local Government

### **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, Queens 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 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**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. 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 under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: 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 report of the Inspector's report of the inquiry or hearing within 6 weeks of 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.

# Wiltshire Council Housing Land Supply

## Appendix 3



# Housing Land Supply Statement April 2014

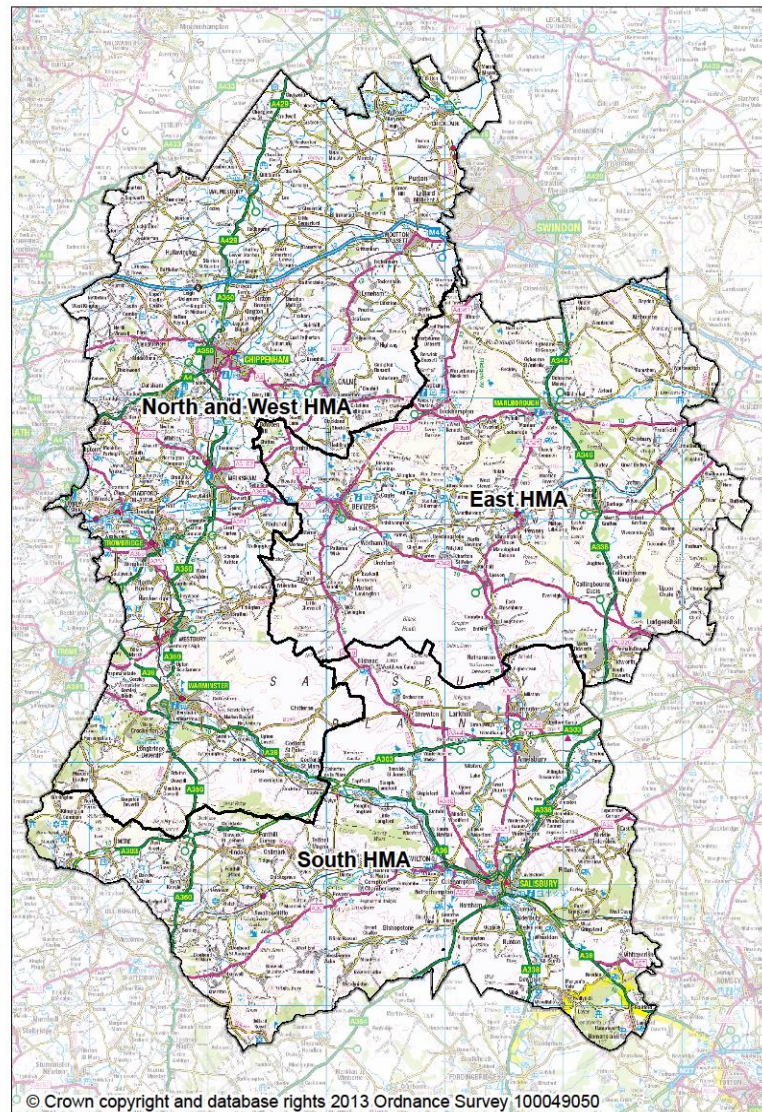
## July 2014

**Housing Land Supply Statement**  
**Base Date April 2014**

## Policy Context – why is a land supply assessment required?

1.1 This Housing Land Supply Statement reflects a base date of April 2014 and covers each Housing Market Area (HMA) in Wiltshire. It updates previous Housing Land Supply Statements. The HMAs are presented in Figure 1. This statement fully accords to the requirements and definitions of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) as summarised below.

**Figure 1: The HMAs in Wiltshire<sup>1</sup>**



1.2 The NPPF was published in March 2012 and replaced the majority of the existing Planning Policy Statements, including Planning Policy Statement 3 (PPS3): *Housing (2006)*.

<sup>1</sup> Any development immediately adjacent to the built form of Swindon Town within Wiltshire is not considered to meet the needs of the North and West HMA. See paragraph 4.29 of the Wiltshire Core Strategy for clarification.



- 1.3 Within the NPPF, the Government has set out its guidance to deliver sustainable development. With regard to housing provision paragraph 47 states that:

*“To boost significantly the supply of housing, local planning authorities (LPAs) should:*

*.....identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;....”*

- 1.4 Furthermore, it goes on to define the deliverability of sites in footnote 11, as follows:

*“To be considered deliverable, sites should be 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 and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

- 1.5 The PPG was published in March 2014. It sets out further guidance on the methodology to be used in the assessment of housing land supply. This assessment has been adapted to be consistent with the new guidance. However, there are a two areas where the guidance has been departed from:

- The PPG requires that all sites considered are individually assessed. However, in an authority as large as Wiltshire, with circa 900 sites subject to planning permission or prior approval, subject to an application with resolution to grant, proposed for allocation in an emerging plan or adopted in an existing development plan, this exercise is considered to be disproportionate. Therefore, this assessment only considers large sites (of 10 or more dwellings) individually.
- The PPG requires that each site should be listed and cross-referenced to a map. However, given the number of sites this would be impractical, and so a reference is included in the

assessment which can be used to identify sites either within the development or neighbourhood plan in which it is identified or on the Council's planning portal. The Housing Land Availability report (due to be published in November 2014) will also provide maps of all the large sites.

### **The housing requirement**

- 2.1 The only up to date extant or emerging housing requirements for Wiltshire are contained in the adopted South Wiltshire Core Strategy and the emerging Wiltshire Core Strategy. In December 2013, the examining Inspector in his 10th Procedural Letter identified that he considered that the requirement should be increased from that identified in the submission draft of the Wiltshire Core Strategy. This increase is detailed in the Council's response of the 28<sup>th</sup> February 2014. This is the requirement against which the land supply is assessed.

### **Housing completions to 2014**

- 3.1 Wiltshire Council monitors housing completions annually. The number of completions from 2006 to 2014 has been used in this assessment.

### **Buffer**

- 4.1 Paragraph 47 of the NPPF (see paragraph 1.3) requires a buffer to be added to the land supply. The size of this buffer is dependent on whether or not there is a record of persistent under-delivery.
- 4.2 In order to assess whether or not there is a record of persistent under-delivery, Table 1 presents the level of delivery over the last five years for which completion data is known. This is compared to the requirements set out in the Wiltshire and Swindon Structure Plan (WSSP) 2016 (which was the adopted development plan for all areas for the majority of this period<sup>2</sup>), the emerging Wiltshire Core Strategy (WCS), and the South Wiltshire Core Strategy (SWCS) which was adopted in April 2011 and is the adopted plan for this area from this date.
- 4.3 Those years in which the annualised delivery has been exceeded are highlighted in green. Table 1 also provides the average annual level of completions across the plan period to date (1996-2014). Once again, where the annualised requirement has been exceeded, these cells are highlighted in green.

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<sup>2</sup> Although superseded by the South Wiltshire Core Strategy in South Wiltshire from April 2011 and revoked for all areas in May 2013.





**Table 1: Housing delivery compared to annualised requirement**

Housing Requirement	Area	Annualised housing requirement	Annual completions					Average annual completions across plan period <sup>1</sup>	% of annualised requirement achieved
			2009-10	2010-11	2011-12	2012-13	2013-14		
WSSP 1996-2016 <sup>2</sup>	Former Kennet District	263	245	441	249	183	262	311	118%
	Former North Wiltshire District	450	398	353	483	342	649	572	127%
	Chippenham Town	150	115	67	83	24	38	157	105%
	Former North Wiltshire remainder	300	283	286	400	318	611	415	138%
	Former Salisbury District	400	485	398	445	455	427	414	103%
	Salisbury City	195	223	239	231	185	324	187	96%
	Former Salisbury District remainder	205	262	159	214	270	103	226	110%
	Former West Wiltshire District	588	521	880	574	720	897	680	116%
	Trowbridge Town	250	257	344	138	264	474	300	120%
	Former West Wiltshire remainder	338	264	536	436	456	423	380	113%
Wiltshire	1,700	1,649	2,072	1,751	1,700	2,235	1,976	116%	
SWCS 2006-2026 <sup>3</sup>	South Wiltshire HMA	495	484	398	446	479	429	443	90%
WCS 2006-2026 <sup>3</sup>	East Wiltshire HMA	297	247	438	248	182	264	339	114%
	North and West Wiltshire HMA	1,237	925	1,218	1,027	1,093	1,719	1,244	101%
	South Wiltshire HMA	521	484	398	446	479	429	443	85%
	Wiltshire	2,100	1,656	2,076	1,778	1,802	2,455	2,048	98%

<sup>1</sup> The plan period for the WSSP is 1996 to 2016. The plan period for the SWCS and WCS is 2006 to 2026.

<sup>2</sup> Gypsy and Traveller pitch completions are not counted against the WSSP

<sup>3</sup> Gypsy and Traveller pitch completions are counted against the SWCS and WCS

## Components of Supply

- 5.1 The supply of deliverable land includes:
- Sites with planning permission or prior approval,
  - Sites with planning permission subject to a section 106 agreement,
  - Saved Local Plan allocations (that are proposed to be carried forward as part of the Wiltshire Core Strategy),
  - Strategic Site allocations within the South Wiltshire Core Strategy,
  - Strategic Site allocations identified within the submission draft of the Wiltshire Core Strategy (including those subsequently removed from the Wiltshire Core Strategy at Chippenham),
  - Emerging Neighbourhood Plan allocations (where the Neighbourhood Plan has reached the formal consultation stage), and
  - A windfall allowance (in accordance with paragraph 48 of the NPPF).
- 5.2 A summary breakdown of all sites included in the deliverable supply is available in Appendix 1. The full list of small sites which contribute to the deliverable supply are presented in Appendix 2. For small sites, a standard development rate is applied based on historic levels of delivery across Wiltshire for such sites. Each large site (of 10 or more dwellings) has been individually assessed to determine site specific delivery trajectories. The detailed assessment of each large site is presented in Appendix 3.
- 5.3 The PPG requires that housing for the elderly, including residential institutions, should be included in the land supply assessment. Large sites for residential institutions have been individually assessed to determine delivery trajectories. However as Wiltshire Council does not hold any historic delivery data on such sites, this form of housing is only included as a source of supply where the developer or site representative has confirmed that site will be developed and provided a delivery trajectory. Small sites have not been included in the deliverable supply for the same reason. Thus it can be considered that supply from this source is a conservative estimate.
- 5.4 The second bullet point to paragraph 47 of the NPPF requires that the deliverable supply should be updated annually and so an updated housing trajectory, consistent with this analysis, is included in Appendix 4.
- 5.5 A number of strategic sites are identified in the Wiltshire Core Strategy. Whilst these sites are not necessarily subject to permission or included in an adopted development plan, a proportion of these will contribute to the land supply within Wiltshire over the next five years as part of the Core Strategy. Based on discussions with developers it is expected that 38% of the capacity of these sites (including those with permission and/or under development) will deliver within five years. This capacity

is therefore included in the five year land supply as it can be demonstrated to be suitable, available and achievable within this timescale.

- 5.6 The strategic sites form the most sustainable options for delivering strategic housing developments across Wiltshire. They have been appraised using a site identification methodology and using the Sustainability Appraisal (SA). It therefore remains, necessary only to demonstrate the availability and achievability of each site to warrant its inclusion in the land supply.
- 5.7 The Wiltshire Core Strategy Examination Inspector identified in the 10th Procedural Letter that the strategic sites proposed at Chippenham may not have been assessed equitably. Nevertheless, the sites remain suitable (although there may be other suitable sites also) and so are maintained within the deliverable supply.
- 5.8 A windfall allowance is also included in the deliverable supply set out in Table 3 in accordance with paragraph 48 of the NPPF. A full description of the calculation of the windfall allowance is included in Appendix 5.
- 5.9 The Strategic Housing Land Availability Assessment (SHLAA) identifies a further pool of sites adjacent to settlement boundaries that could be brought forward in accordance with Development Plan policy, through the Neighbourhood Planning process, or the Housing Sites Allocation Development Plan Document (DPD). However, not all such sites will be suitable (and therefore developable) following further site specific assessments, such as landscape assessments for those sites that lie in an AONB, and so are **not** included in the deliverable supply.

### Housing Land Supply

6.0 The table below provides an overview of the five year land supply against the revised housing requirements contained in the Wiltshire Core Strategy.

**Table 2: Housing Land Supply relative to the revised housing requirement of the Wiltshire Core Strategy**

Area	Housing Requirement 2006-2026	Housing completions 2006-2014	Five year housing requirement 2014-2019	Deliverable supply 2014-2019	Number of years deliverable supply
East Wiltshire HMA	5,940	2,713	1,345	1,752	6.52
North and West Wiltshire HMA	24,740	9,955	6,160	7,178	5.83
South Wiltshire HMA	10,420	3,547	2,864	3,203	5.59
Swindon (within Wiltshire)	900	170			
Wiltshire	42,000	16,385	10,673	12,485	5.85

Appendix 6 to this statement identifies the contribution of the various sources of supply to the delivery of the Community Area (CA), Principal Settlement, Market Town and Local Service Centre housing requirements of the Wiltshire Core Strategy. From these the remaining housing to be identified through windfall delivery, Neighbourhood Plans, rural exception sites, military redevelopments and/or future DPDs can be calculated.

### **Future Monitoring**

- 7.0 The housing land supply situation and the residual requirement will continue to be monitored using up to date evidence from developers and other relevant bodies, to inform and where necessary, trigger the allocation of sites to meet outstanding requirements. This is consistent with the requirements of the NPPF (paragraph 47).

## Appendix 1: Summary breakdown of all sites in the deliverable supply

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
<b>East Wiltshire HMA</b>																
<b>Total</b>		<b>2,755</b>	<b>290</b>	<b>303</b>	<b>395</b>	<b>401</b>	<b>361</b>	<b>250</b>	<b>154</b>	<b>79</b>	<b>77</b>	<b>77</b>	<b>77</b>	<b>52</b>		
<b>Small permitted sites (see Appendix 2)</b>		<b>234</b>	<b>27</b>	<b>64</b>	<b>49</b>	<b>30</b>	<b>13</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Former Builders Yard, Park Road	E10.1104	10	0	0	5	5	0	0	0	0	0	0	0	0	Remainder	Pewsey
Land between High Street and Broomcroft Road	E10.1365	13	20	0	0	0	0	0	0	0	0	0	0	0	Remainder	Pewsey
25 North Street	E11.1127	9	10	0	0	0	0	0	0	0	0	0	0	0	Remainder	Pewsey
Gaiger Bros Ltd Yard, Northgate Street	E11.1629	12	4	0	0	0	0	0	0	0	0	0	0	0	Devizes	Devizes
The Pooles Yard High Street	E11.1708	15	15	0	0	0	0	0	0	0	0	0	0	0	Remainder	Marlborough
The former Jam Factory Kings Road	E12.0077	37	11	26	0	0	0	0	0	0	0	0	0	0	Remainder	Devizes
Bureau West, Horton Road	E12.0268	25	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Devizes
10 The Green	E12.1157	3	0	3	0	0	0	0	0	0	0	0	0	0	Marlborough	Marlborough
Riverbourne Fields	E12.1447	221	92	75	62	0	0	0	0	0	0	0	0	0	Tidworth & Ludgershall	Tidworth
Land Adjacent to Swan Meadow	E12.1536	10	0	10	0	0	0	0	0	0	0	0	0	0	Remainder	Pewsey
Land at Zouch Manor	E13.0397	100	20	35	35	10	0	0	0	0	0	0	0	0	Tidworth & Ludgershall	Tidworth
Bureau West (Redrow development site) Horton Road	E11.0556	80	80	0	0	0	0	0	0	0	0	0	0	0	Devizes	Devizes

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road)	E09.1078	311	0	0	13	75	72	75	75	1	0	0	0	0	Tidworth & Ludgershall	Tidworth
Land east of Quakers Walk, off London Road	E11.1139	139	0	0	0	0	0	0	0	0	0	0	0	0	Devizes	Devizes
Land at Zouch Manor	E12.0361	0	0	0	0	0	0	0	0	0	0	0	0	0	Tidworth & Ludgershall	Tidworth
Marlborough Depot site Salisbury Road	K.57714	32	0	0	0	0	0	0	0	0	0	0	0	0	Marlborough	Marlborough
Land at Bureau West, Horton Road, Devizes	K.58682	29	0	0	0	0	0	0	0	0	0	0	0	0	Devizes	Devizes
Land adjacent to Deans Close and fields to south opposite Tedworth House	K.59795	360	0	0	0	0	0	0	0	0	0	0	0	0	Tidworth & Ludgershall	Tidworth
Lay Wood	E13.1243	230	0	20	40	60	80	30	0	0	0	0	0	0	Devizes	Devizes
Land East of High Street	E13.6529	45	0	0	20	25	0	0	0	0	0	0	0	0	Remainder	Pewsey
Drummond Park	WCS/E2	475	0	0	50	50	50	50	50	50	50	50	50	25	Tidworth & Ludgershall	Tidworth
<b>Large permitted sites</b>		<b>2,156</b>	<b>252</b>	<b>169</b>	<b>225</b>	<b>225</b>	<b>202</b>	<b>155</b>	<b>125</b>	<b>51</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>25</b>		
The North Gate/Wharf/Devizes Hospital	1/LPA/32	15	0	0	0	0	0	0	0	0	0	0	0	0	Devizes	Devizes
Garden Centre, Granby Gardens	1/LPA/36	130	0	52	52	52	52	0	0	0	0	0	0	0	Tidworth & Ludgershall	Tidworth
Salisbury Road	WCS/E3	220	0	0	40	60	60	60	0	0	0	0	0	0	Marlborough	Marlborough
<b>Adopted and emerging allocations</b>		<b>365</b>	<b>0</b>	<b>52</b>	<b>92</b>	<b>112</b>	<b>112</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Small windfall allowance</b>			<b>1</b>	<b>8</b>	<b>18</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>		
<b>Large windfall allowance</b>					<b>53</b>											

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
<b>North and West Wiltshire HMA</b>																
<b>Total</b>		<b>12,052</b>	<b>1,180</b>	<b>1,355</b>	<b>1,461</b>	<b>1,679</b>	<b>1,502</b>	<b>1,300</b>	<b>1,246</b>	<b>863</b>	<b>706</b>	<b>471</b>	<b>466</b>	<b>465</b>		
<b>Small permitted sites (see Appendix 2)</b>		<b>617</b>	<b>71</b>	<b>168</b>	<b>128</b>	<b>79</b>	<b>34</b>	<b>27</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>		
Cowbridge Mill	N07.0975	13	13	0	0	0	0	0	0	0	0	0	0	0	Malmesbury	Malmesbury
Rudloe Manor, Box Hill	N08.0986	10	9	1	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Rudloe Manor, Box Hill	N08.0986	2	0	2	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Brook Farm	N09.0096	30	0	30	0	0	0	0	0	0	0	0	0	0	Remainder	Malmesbury
10 & Rear of 12,14,16 Lickhill Road, Calne	N09.1907	3	3	0	0	0	0	0	0	0	0	0	0	0	Calne	Calne
St Ivel Factory Site, Station Road	N10.1902	35	35	0	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Land at Brynards Hill, Bincknoll lane	N10.2399	33	20	13	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Land at Brynard's Hill, Bincknoll Lane	N10.3055	18	18	0	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Royal Arthur Park, Westwells Road	N10.4093	221	26	60	50	50	35	0	0	0	0	0	0	0	Corsham	Corsham
The Flamingo Club, Westwells Road, Hawthorn, Corsham	N10.4174	13	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Westinghouse Recreation Ground, Park Avenue	N11.0134	74	0	30	44	0	0	0	0	0	0	0	0	0	Chippenham	Chippenham
Land off Sandpit Road	N11.3060	4	4	0	0	0	0	0	0	0	0	0	0	0	Calne	Calne

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Hangars 18 and 20	N11.3148	30	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Land at Station Road	N11.3934	85	50	26	9	0	0	0	0	0	0	0	0	0	Calne	Calne
Former Beaufort Brewery, St Ivel, Station Road	N11.3978	14	14	0	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Land Off Sandpit Road	N11.4119	16	16	0	0	0	0	0	0	0	0	0	0	0	Calne	Calne
Box Wharf	N12.0222	4	4	0	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Rylands Sports Field, Stoneover Lane	N12.0551	26	26	0	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Stanton St Quintin Garage, Lower Stanton St Quintin	N12.0895	11	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Chippenham
East Cottage, Burton Hill	N12.1425	11	11	0	0	0	0	0	0	0	0	0	0	0	Malmesbury	Malmesbury
Former Hygrade Factory Site, Westmead Lane	N12.1714	58	58	0	0	0	0	0	0	0	0	0	0	0	Chippenham	Chippenham
Spring Tynings, Beechfield Road	N12.1866	17	17	0	0	0	0	0	0	0	0	0	0	0	Corsham	Corsham
Former Bath & Portland Stoneworks, Westwells	N12.2106	8	8	0	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Former St Ivel Site, Station Road	N12.3386	48	0	48	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Land off Stanier Road	N12.3740	34	34	0	0	0	0	0	0	0	0	0	0	0	Calne	Calne



Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Gerard Buxton Sports Ground, Rylands Way	N12.3941	129	52	52	25	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Brynards Hill Phase 3, Bincknoll Lane	N12.4026	43	0	20	20	3	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Marden Farm Cottages	N12.4038	125	0	25	40	40	20	0	0	0	0	0	0	0	Calne	Calne
Faccenda Chicken Factory, High Street	N12.4072	46	35	11	0	0	0	0	0	0	0	0	0	0	Remainder	Chippenham
Land adjacent to Rowden Lane	N12.4160	95	3	39	19	0	0	0	0	0	0	0	0	0	Chippenham	Chippenham
Hazelwood Farm, Seagry Road	N13.0011	21	0	10	11	0	0	0	0	0	0	0	0	0	Remainder	Chippenham
Field Adjacent Old Inn, Upper Minety, Malmesbury, Wiltshire,	N13.0054	10	0	0	0	10	0	0	0	0	0	0	0	0	Remainder	Malmesbury
Town Close, Kington St Michael, Chippenham, Wiltshire	N13.0235	11	11	0	0	0	0	0	0	0	0	0	0	0	Remainder	Chippenham
Former St Ivel Site, Station Road	N13.0261	14	14	0	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Hanger 19, Colerne Industrial Park	N13.1567	26	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham
Hunters Moon	N13.1747	450	0	104	80	80	80	80	26	0	0	0	0	0	Chippenham	Chippenham
Old Glove Factory	N13.2173	10	0	10	0	0	0	0	0	0	0	0	0	0	Remainder	Corsham

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Land South of Cloatley Crescent	N13.5400	48	48	0	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Trowbridge Rugby Football Club	W05.0821	72	40	32	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Kingston Mills, Kingston Road	W06.2394	1	1	0	0	0	0	0	0	0	0	0	0	0	Bradford on Avon	Bradford on Avon
Stones Garage, St Margarets Street	W08.0196	3	3	0	0	0	0	0	0	0	0	0	0	0	Bradford on Avon	Bradford on Avon
Land at Southview Farm	W08.0896	138	30	30	30	30	18	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Land North East of Snowberry Lane	W09.0579	7	7	0	0	0	0	0	0	0	0	0	0	0	Melksham	Melksham
Terry's Social Club, Hill Street	W09.2934	16	0	0	0	0	0	16	0	0	0	0	0	0	Trowbridge	Trowbridge
Land At Gibbs Close	W10.1810	5	5	0	0	0	0	0	0	0	0	0	0	0	Westbury	Westbury
Warminster United Services Club 36 Imber Road	W10.2407	12	0	12	0	0	0	0	0	0	0	0	0	0	Warminster	Warminster
Westbury North Junction Station Road	W10.2479	102	0	0	40	40	22	0	0	0	0	0	0	0	Westbury	Westbury
Unit 9 Yeoman Way	W10.2547	14	14	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Land at Slag Lane and Hawkeridge Road	W10.3406	65	35	30	0	0	0	0	0	0	0	0	0	0	Westbury	Westbury
Land North East of Snowberry Lane	W10.3422	44	44	0	0	0	0	0	0	0	0	0	0	0	Melksham	Melksham
Land south of Sandridge Road, northeast to Sandridge Hill	W10.4033	16	16	0	0	0	0	0	0	0	0	0	0	0	Melksham	Melksham
Castlemead	W11.0466	1	0	0	0	1	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
36 Victoria Road	W11.1363	18	0	0	0	6	12	0	0	0	0	0	0	0	Warminster	Warminster
Church Farm Church Street	W11.1373	20	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Trowbridge

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
4-8 Church Street, rear of Edward Street	W11.1739	7	7	0	0	0	0	0	0	0	0	0	0	0	Westbury	Westbury
Land North East of Green Lane Farm, Green Lane (The Pastures)	W11.1932	172	86	50	36	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Former Bottling Plant Ushers Brewery Conigre	W11.2656	17	17	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Land North East of Snowberry Lane	W11.3229	14	14	0	0	0	0	0	0	0	0	0	0	0	Melksham	Melksham
Land Rear Of 16 Holbrook Lane	W12.0105	15	0	12	3	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Land East Of Kennet Gardens	W12.0797	7	7	0	0	0	0	0	0	0	0	0	0	0	Bradford on Avon	Bradford on Avon
Castlemead	W12.1477	3	3	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Land at Court Street	W13.0014	24	24	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Forest and Sandridge CoE School	W13.0524	12	0	0	0	6	6	0	0	0	0	0	0	0	Melksham	Melksham
Castlemead	W13.1880	168	37	100	31	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Adcroft Villa 1a Adcroft Drive	W13.3058	9	0	0	0	9	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Castlemead	W13.5104	60	60	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
The Beckford Centre, 6 Gipsy Lane	W11.2381	80	82	0	0	0	0	0	0	0	0	0	0	0	Warminster	Warminster
Windmill House Common Hill	N13.2601	10	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Royal Wootton Bassett & Cricklade

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Former St Ivel Site, Station Road	N07.2168	60	0	60	0	0	0	0	0	0	0	0	0	0	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade
Land off Oxford Road	N11.3524	200	0	0	70	80	50	0	0	0	0	0	0	0	Calne	Calne
Land off Silver Street and White Horse Way	N11.3628	154	0	20	50	50	34	0	0	0	0	0	0	0	Calne	Calne
Land at Copenacre, Bath Road	N12.0836	100	0	0	0	0	0	0	0	0	0	0	0	0	Corsham	Corsham
Castlemead	W04.2105	138	0	0	69	69	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
George Ward School, Shurnhold	W11.2312	270	0	0	0	50	50	50	50	50	20	0	0	0	Melksham	Melksham
Land East Of Damask Way Smallbrook Lane	W12.0687	23	0	0	3	20	0	0	0	0	0	0	0	0	Warminster	Warminster
Land at The Mead	W13.3568	220	0	20	45	45	45	45	20	0	0	0	0	0	Westbury	Westbury
Filands	N11.4126	180	0	0	30	70	70	10	0	0	0	0	0	0	Malmesbury	Malmesbury
Land South of Bradford Road	N13.5724	88	0	0	25	30	25	8	0	0	0	0	0	0	Corsham	Corsham
Goldenly Care Home	N13.3489	27	0	0	0	0	0	0	0	0	0	0	0	0	Chippenham	Chippenham
<b>Large permitted sites</b>		<b>4,438</b>	<b>1,061</b>	<b>847</b>	<b>730</b>	<b>689</b>	<b>467</b>	<b>209</b>	<b>96</b>	<b>50</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>		
AB Carter Haulage Contractors, 14 Happy Land	2/LPA/11	11	0	0	0	0	0	5	6	0	0	0	0	0	Remainder	Malmesbury
Quemerford House & Mill	2/LPA/14	20	0	10	0	0	0	0	0	0	0	0	0	0	Calne	Calne
Works, Cocklebury Road	2/LPA/17	27	0	0	0	0	0	13	14	0	0	0	0	0	Chippenham	Chippenham
Foundary Lane	2/LPA/18	250	0	0	0	0	25	50	40	0	0	0	0	0	Chippenham	Chippenham
Court Street	5/LPA/21	70	0	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Cedar Grove	5/LPA/43	15	0	0	0	0	0	0	0	0	0	0	0	0	Trowbridge	Trowbridge
Land off Oldfield Road	5/LPA/49	30	0	2	0	0	0	0	0	0	0	0	0	0	Westbury	Westbury
Station Road	5/LPA/59	30	0	0	0	0	0	0	0	0	0	0	0	0	Warminster	Warminster
Land adjacent to Westbury Hospital	5/LPA/64	25	0	20	30	20	0	0	0	0	0	0	0	0	Westbury	Westbury

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Burton Hill NP allocation	Sites 6, 10 & 11	50	0	0	0	30	20	0	0	0	0	0	0	0	Malmesbury	Malmesbury
Backbridge Farm NP allocation	Sites 3a & 15	170	0	0	0	20	50	50	50	0	0	0	0	0	Malmesbury	Malmesbury
Kingston Farm and Moulton Estate	WCS/NW1	150	0	50	50	38	0	0	0	0	0	0	0	0	Bradford on Avon	Bradford on Avon
Landers Field	WCS/NW10	150	0	0	0	0	0	25	50	50	25	0	0	0	Chippenham	Chippenham
North Chippenham	WCS/NW2	750	0	125	125	125	125	125	125	0	0	0	0	0	Chippenham	Chippenham
Rawlings Green	WCS/NW3	700	0	0	0	45	80	80	80	85	85	85	80	80	Chippenham	Chippenham
Patterdown and Rowden	WCS/NW5	800	0	50	75	100	100	100	150	150	75	0	0	0	Chippenham	Chippenham
South East Trowbridge	WCS/NW6	2599	0	0	100	250	250	250	250	250	250	250	250	250	Trowbridge	Trowbridge
West of Warminster	WCS/NW7	900	0	0	90	125	140	145	145	140	115	0	0	0	Warminster	Warminster
Station Road	WCS/NW9	250	0	0	0	0	50	100	100	0	0	0	0	0	Westbury	Westbury
<b>Adopted and emerging allocations</b>		<b>6,997</b>	<b>0</b>	<b>257</b>	<b>470</b>	<b>753</b>	<b>840</b>	<b>943</b>	<b>1,010</b>	<b>675</b>	<b>550</b>	<b>335</b>	<b>330</b>	<b>330</b>		
<b>Small windfall allowance</b>			<b>4</b>	<b>39</b>	<b>89</b>	<b>114</b>	<b>117</b>	<b>121</b>	<b>135</b>	<b>135</b>	<b>135</b>	<b>135</b>	<b>135</b>	<b>135</b>		
<b>Large windfall allowance</b>					<b>220</b>											
<b>South Wiltshire HMA</b>																
<b>Total</b>		<b>6,117</b>	<b>407</b>	<b>780</b>	<b>721</b>	<b>685</b>	<b>611</b>	<b>688</b>	<b>583</b>	<b>585</b>	<b>497</b>	<b>425</b>	<b>402</b>	<b>352</b>		
<b>Small permitted sites (see Appendix 2)</b>		<b>293</b>	<b>33</b>	<b>78</b>	<b>59</b>	<b>37</b>	<b>16</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Area 2, Castle View, Old Sarum	S07.1485	2	0	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Southern Wiltshire
Land North, West and South of Bishopdown Farm	S09.1943	425	85	85	85	85	85	0	0	0	0	0	0	0	Salisbury	Salisbury
Former Pembroke Park School, Penruddock Close	S10.0173	43	23	20	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Old Rampart filling station. Junction of Devizes Road & Wilton Road	S10.1109	14	0	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury
74A-76 Castle Road	S10.1265	11	11	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury
Land off Hindon Lane	S11.0322	26	16	10	0	0	0	0	0	0	0	0	0	0	Tisbury	Tisbury
Former Highbury and Fisherton Manor School Sites	S12.1282	38	24	12	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury
37 39 High Street	S12.1491	13	0	0	0	10	3	0	0	0	0	0	0	0	Amesbury, Bulford & Durrington	Amesbury
44, 46, 48, 50 Bedwin Street	S12.1654	7	11	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury
MOD Playing Fields, Old Sarum	S12.1679	25	17	8	0	0	0	0	0	0	0	0	0	0	Salisbury	Southern Wiltshire
Local Centre, Old Sarum	S12.1829	30	0	10	14	6	0	0	0	0	0	0	0	0	Salisbury	Southern Wiltshire
Area 10, Old Sarum	S12.1834	69	17	26	26	0	0	0	0	0	0	0	0	0	Salisbury	Southern Wiltshire
Land adjacent to The Portway, Ramsbury Drive	S12.0521	120	0	120	0	0	0	0	0	0	0	0	0	0	Salisbury	Southern Wiltshire
8 Old Castle Road	S12.0893	8	0	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury
Bramley House, Castle Street	S12.0247	8	0	0	0	0	0	0	0	0	0	0	0	0	Mere	Mere
Milford House Nursing Home	S13.3515	11	0	0	0	0	0	0	0	0	0	0	0	0	Remainder	Southern Wiltshire
Former National Cooperative Store, 23-29 Salisbury Street	S13.0422	33	0	33	0	0	0	0	0	0	0	0	0	0	Amesbury, Bulford & Durrington	Amesbury
MOD Playing Fields, Old Sarum	S05.0619	0	0	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Southern Wiltshire

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
Land between Netheravon Road and High Street	S06.1698	11	0	0	0	0	0	0	0	0	0	0	0	0	Amesbury, Bulford & Durrington	Amesbury
Land off Hindon Lane	S08.0779	0	0	0	0	0	0	0	0	0	0	0	0	0	Tisbury	Tisbury
Land adjacent to 15 Butterfield Drive	S10.1131	10	0	0	0	0	0	0	0	0	0	0	0	0	Amesbury, Bulford & Durrington	Amesbury
Erskine Barracks	S11.0517	450	0	50	100	100	100	100	0	0	0	0	0	0	Wilton	Wilton
The Old Dairy, London Road	S11.1135	14	0	0	0	0	0	0	0	0	0	0	0	0	Amesbury, Bulford & Durrington	Amesbury
Land immediately to the south and west of, Archers Gate	S12.0497	460	100	120	150	90	0	0	0	0	0	0	0	0	Amesbury, Bulford & Durrington	Amesbury
<b>Large permitted sites</b>		<b>1,828</b>	<b>304</b>	<b>494</b>	<b>375</b>	<b>291</b>	<b>188</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Old Manor Hospital	3/LPA/11	76	0	0	0	0	0	25	25	26	0	0	0	0	Salisbury	Salisbury
Bulbridge	3/LPA/36	45	0	0	0	0	0	15	15	15	0	0	0	0	Wilton	Wilton
RAF Baverstock	3/LPA/38	30	0	0	0	0	0	10	10	10	0	0	0	0	Remainder	Wilton
Odstock Hospital	3/LPA/41	45	0	0	0	0	0	15	15	15	0	0	0	0	Salisbury	Southern Wiltshire
Kings Gate	WCS/S1	840	0	0	40	100	129	80	80	80	80	80	80	80	Amesbury, Bulford & Durrington	Amesbury
Longhedge (Old Sarum)	WCS/S2	450	50	75	75	75	75	75	75	75	75	23	0	0	Salisbury	Southern Wiltshire
Fugglestone Red	WCS/S3	1250	0	100	120	120	120	120	120	120	120	120	120	70	Salisbury	Salisbury
Churchfields & Engine Sheds	WCS/S4	1100	0	0	0	0	0	150	150	150	150	150	150	150	Salisbury	Salisbury
Central Car Park	WCS/S5	160	0	0	0	0	20	40	40	40	20	0	0	0	Salisbury	Salisbury
Hampton Park	WCS/S6	0	0	0	0	0	0	0	0	0	0	0	0	0	Salisbury	Salisbury

Site Address	Site ref	Dwellings outstanding at April 2014	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Town	CA
UKLF	WCS/S7	0	0	0	0	0	0	0	0	0	0	0	0	0	Wilton	Wilton
<b>Adopted and emerging allocations</b>		<b>3,996</b>	<b>50</b>	<b>175</b>	<b>235</b>	<b>295</b>	<b>344</b>	<b>530</b>	<b>530</b>	<b>531</b>	<b>445</b>	<b>373</b>	<b>350</b>	<b>300</b>		
Small windfall allowance			1	15	34	44	45	46	51	52	52	52	52	52		
Large windfall allowance			91													
<b>Swindon (within Wiltshire)</b>																
<b>Total</b>		<b>724</b>	<b>68</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>26</b>	<b>0</b>		
<b>Small permitted sites (see Appendix 2)</b>		<b>6</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Moulden View, Moredon Bridge, Purton Road	N09.2020	24	24	0	0	0	0	0	0	0	0	0	0	0	Swindon	Royal Wootton Bassett & Cricklade
RIDGEWAY FARM, COMMON PLATT, LYDIARD MILLICENT	N13.1615	218	22	35	35	35	35	35	21	0	0	0	0	0	Swindon	Royal Wootton Bassett & Cricklade
RIDGEWAY FARM, COMMON PLATT	N10.4575	482	22	35	35	35	35	35	49	70	70	70	26	0	Swindon	Royal Wootton Bassett & Cricklade
<b>Large permitted sites</b>		<b>724</b>	<b>68</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>26</b>	<b>0</b>		
Small windfall allowance			0	0	0	0	0	0	0	0	0	0	0	0		
Large windfall allowance			0						0	0	0	0	0	0		



## Appendix 2: Small sites contributing to the deliverable supply

Note: the 'Dwellings outstanding at April 2014' column represents the net dwelling units remaining to be developed on the permission. As such values of zero (e.g. an as yet unimplemented replacement dwelling) and values less than zero (e.g. an as yet unimplemented conversion of two dwellings into one unit) in this column are a valid assessment of the remaining development still to be implemented.

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Melrose	E09.0255	1	Remainder	Marlborough	East
The Cottages, Down Farm, Everleigh Road	E09.0776	1	Remainder	Pewsey	East
Downs House	E09.0988	2	Remainder	Marlborough	East
Adjacent to Cotswold, Werg Gardens	E09.1220	1	Remainder	Marlborough	East
The Former Ropeworks Kennet Place	E10.0040	3	Marlborough	Marlborough	East
14 High Street	E10.0163	3	Marlborough	Marlborough	East
12 Escourt Street	E10.0316	1	Devizes	Devizes	East
The Queens Head, Dunkirk Hill	E10.0389	3	Devizes	Devizes	East
Adj 1 Wains Way	E10.0465	1	Remainder	Tidworth	East
The Lodge Stables, Pewsey Road, Upavon	E10.0955	0	Remainder	Pewsey	East
6-7 Mill Road	E10.1179	1	Remainder	Devizes	East
Adj 15 Nepaul Road	E10.1244	1	Tidworth & Ludgershall	Tidworth	East
46 The Street All Cannings Devizes	E10.1271	1	Remainder	Devizes	East
Land at 10 Brunkards Lane	E10.1299	1	Remainder	Pewsey	East
Woodland Farm, Long Street	E10.1339	1	Remainder	Devizes	East
Wansdyke Farm, Ham Spray	E10.1420	1	Remainder	Pewsey	East
33 Monday Market Street	E10.1498	2	Devizes	Devizes	East
The Gatehouse, Wick Lane	E10.1603	1	Devizes	Devizes	East
The Queens Head, Dunkirk Hill	E10.1665	0	Devizes	Devizes	East
Former Liberal Club, St Johns Court	E11.0068	1	Devizes	Devizes	East
Kinwardstone Farm	E11.0132	1	Remainder	Pewsey	East
Rear of London House, High Street	E11.0133	3	Remainder	Pewsey	East
Keeble, Kingston Road	E11.0172	1	Remainder	Pewsey	East
3 Devizes Road	E11.0270	1	Remainder	Pewsey	East
The White Hart, Oare	E11.0383	1	Remainder	Pewsey	East

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
The Cedars, Scholars Lane	E11.0400	1	Remainder	Marlborough	East
1 Rawlings Court	E11.0530	1	Tidworth & Ludgershall	Tidworth	East
Drove House, Manningford Abbots	E11.0538	0	Remainder	Pewsey	East
The Grange, Bridewell Street	E11.0795	3	Devizes	Devizes	East
32 & 33 Froxfield	E11.0798	1	Remainder	Marlborough	East
Bungalow Farm House	E11.0813	0	Remainder	Pewsey	East
6A London Road	E11.0856	1	Marlborough	Marlborough	East
Uphill Farm, Uphill	E11.0858	1	Remainder	Devizes	East
1st & 2nd floors, Block C, Ailesbury Court, High Street	E11.0862	8	Marlborough	Marlborough	East
The Stores, The Street	E11.0864	2	Remainder	Tidworth	East
Moonraker Farm Bottlesford	E11.0894	1	Remainder	Pewsey	East
3 & 4 China Cottages, East Stowell	E11.0898	1	Remainder	Pewsey	East
Land adj 14/16 Caird Lawns	E11.1081	1	Devizes	Devizes	East
Manningford Nursery	E11.1152	1	Remainder	Pewsey	East
4 - 6 Andover Road Ludgershall Andover	E11.1231	6	Tidworth & Ludgershall	Tidworth	East
Out Yonder Hartfield	E11.1297	1	Devizes	Devizes	East
12 Barton Dene, Marlborough	E11.1311	-1	Remainder	Marlborough	East
Land Off Elm Tree Close	E11.1315	6	Devizes	Devizes	East
Steam Cottage, Yards Lane, Hilcott	E11.1320	0	Remainder	Pewsey	East
Agra Farm, Seend Road	E11.1382	1	Remainder	Devizes	East
Woodlands Road	E11.1487	0	Remainder	Pewsey	East
Land adj Aldbourne Memorial Hall, Oxford Street	E11.1575	1	Remainder	Marlborough	East
2 Marlborough Road	E11.1592	1	Remainder	Pewsey	East
1 Ermin Street, Baydon	E11.1636	1	Remainder	Marlborough	East
Rear of Kytes Cottage, 10 High Street	E11.1701	1	Remainder	Devizes	East
Greenacres Farm, Burbage Road	E12.0080	0	Remainder	Pewsey	East
The Depot, Station Approach, Wilcot Rd	E12.0155	9	Remainder	Pewsey	East
Land adjacent to Hardston Church Lane	E12.0180	1	Remainder	Devizes	East
The Old Farmyard Rockley Manor Rockley	E12.0228	1	Remainder	Marlborough	East
1 Brownleaze Lane	E12.0317	1	Remainder	Devizes	East

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
14 Lavington Lane Littleton Panell	E12.0419	1	Remainder	Devizes	East
Eastridge House, Eastridge	E12.0427	1	Remainder	Marlborough	East
53 Brickley Lane	E12.0431	1	Devizes	Devizes	East
The Tile House Clench Marlborough	E12.0455	0	Remainder	Pewsey	East
41 Eastcourt Road	E12.0496	1	Remainder	Pewsey	East
20 The Street	E12.0572	1	Remainder	Devizes	East
Land adj Standard Bakery, High Street	E12.0643	1	Remainder	Devizes	East
1A London Road	E12.0645	1	Marlborough	Marlborough	East
12-18 River Street	E12.0647	1	Remainder	Pewsey	East
Southside Cottage, Stone Lane, Axford	E12.0671	-1	Remainder	Marlborough	East
The Wicket, Potterne Road	E12.0802	4	Devizes	Devizes	East
Wilds Farm (barns opposite) Hilcott	E12.0938	1	Remainder	Pewsey	East
Land to the rear of 1-6 London Road	E12.0943	3	Marlborough	Marlborough	East
New Farm Sharcott Drove Sharcott	E12.0984	1	Remainder	Pewsey	East
Red House Farm Clanville Andover	E12.1067	1	Remainder	Tidworth	East
18 St. Martins	E12.1069	1	Marlborough	Marlborough	East
Land to rear 23-27 High Street	E12.1110	3	Remainder	Pewsey	East
Former Caretakers House, Devizes School, The Green	E12.1211	5	Devizes	Devizes	East
3 Northgate Street	E12.1311	1	Devizes	Devizes	East
23 Astor Crescent Ludgershall	E12.1362	1	Tidworth & Ludgershall	Tidworth	East
Land adj to 19 Biddesden Lane	E12.1371	1	Tidworth & Ludgershall	Tidworth	East
Field Place Firgreen	E12.1390	0	Remainder	Pewsey	East
Land adjacent to Overton House High Street	E12.1396	1	Remainder	Devizes	East
Waters Edge	E12.1436	1	Remainder	Marlborough	East
41A High Street	E12.1455	2	Marlborough	Marlborough	East
57 Bell Inn High Street	E12.1502	1	Remainder	Devizes	East
32 New Park Street	E12.1515	1	Devizes	Devizes	East
Red Lion Ermin Street	E12.1575	1	Remainder	Marlborough	East
9 & 10 St Martins	E13.0027	1	Marlborough	Marlborough	East
Land adjoining Veranda House Townsend Urchfont	E13.0074	1	Remainder	Devizes	East

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Burbage Wharf	E13.0112	0	Remainder	Pewsey	East
Three Horse Shoes	E13.0113	1	Remainder	Pewsey	East
Land adj 50A Chilton Foliat	E13.0182	1	Remainder	Marlborough	East
50 Chilton Foliat	E13.0218	2	Remainder	Marlborough	East
38 Eastcourt	E13.0236	1	Remainder	Pewsey	East
6 White Street	E13.0244	1	Remainder	Devizes	East
Pyles Yard Aughton	E13.0262	1	Remainder	Tidworth	East
Milton Garage	E13.0291	2	Remainder	Pewsey	East
Bolwell Court 44A New Park street	E13.0321	4	Devizes	Devizes	East
Land at the rear of Cross keys House The Parade	E13.0358	3	Marlborough	Marlborough	East
Land at South Street, Avebury Trusloe	E13.0377	1	Remainder	Marlborough	East
Cedar House The Parade	E13.0395	1	Marlborough	Marlborough	East
48 Netherstreet	E13.0409	0	Remainder	Devizes	East
St Lucy's 1 Commercial Road	E13.0496	1	Devizes	Devizes	East
Keeble, Kingston Road	E13.0518	0	Remainder	Pewsey	East
Rear of 1 London Road	E13.0521	1	Marlborough	Marlborough	East
Luton Lye House Sawpit Drive	E13.0778	0	Remainder	Marlborough	East
19 Sedgefield Gardens	E13.1032	4	Devizes	Devizes	East
106 Cadley Road	E13.1061	1	Remainder	Tidworth	East
14 Market Place	E13.1322	2	Devizes	Devizes	East
The Coach House Preston	E13.1345	1	Remainder	Marlborough	East
Lock up garages Broadfields Pewsey	E13.1883	4	Remainder	Pewsey	East
Lock up garages site Stratton Road Pewsey	E13.1916	4	Remainder	Pewsey	East
15 Greengate Road Wedhampton Devizes Wilts	E13.1926	1	Remainder	Devizes	East
The Walled Garden Old Park	E13.2169	1	Devizes	Devizes	East
2 Chapter Close	E13.2622	1	Marlborough	Marlborough	East
22 Pretoria Road Ludgershall Andover Wiltshire SP11 9PB	E13.2702	1	Tidworth & Ludgershall	Tidworth	East
64 New Park Street Devizes Wiltshire	E13.3790	1	Devizes	Devizes	East
Staggs Cottage The Street Bishop`s Cannings Devizes	E13.4442	1	Remainder	Devizes	East

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Wansdyke Farm, Ham Spray	E13.4494	1	Remainder	Pewsey	East
Former Devizes Health Centre New Park Street	E13.4656	9	Devizes	Devizes	East
Land North West Of 91 Church Street, Great Bedwyn, Marlborough, Wiltshire	E13.4738	1	Remainder	Pewsey	East
48 Andover Road Ludgershall SP11 9NA	E13.5163	2	Tidworth & Ludgershall	Tidworth	East
Stype Wood Stud Gate Close East To Stype Grange Stype Hungerford Wiltshire RG17 0RQ	E13.5250	0	Remainder	Pewsey	East
Shirley Lodge Cutting Hill	E13.5772	0	Remainder	Pewsey	East
Glebe House The Old Severalls	E13.6092	1	Remainder	Pewsey	East
Tanglewood Roundway Park	E13.6324	1	Devizes	Devizes	East
Culvermead Meadow, George Lane	K.57234	1	Marlborough	Marlborough	East
Chirton Garage, Andover Road	K.57872	2	Remainder	Pewsey	East
Seymour Place, White Road	K.58709	1	Remainder	Marlborough	East
57 High Street	K.59033	4	Remainder	Pewsey	East
Downs Equestrian Centre	E13.0394	2	Remainder	Marlborough	East
South Park Farm Barn, Andover Lane	E13.4893	1	Remainder	Tidworth	East
Land adjacent 229 East Grafton	E13.7073	1	Remainder	Pewsey	East
Kingwardstone Farm	E13.06956	1	Remainder	Pewsey	East
Vicarage Lane Nurseries, Kings Road	E13.5576	1	Remainder	Devizes	East
Rutherford Stud Chantry Lane	E14.0495	0	Remainder	Tidworth	East
Haredown Farm	E13.5931	1	Remainder	Pewsey	East
Highleaze House Lodge Oare	E13.6982	0	Remainder	Pewsey	East
25 The Parade	E13.7162	3	Marlborough	Marlborough	East
The Beacon Leaze Road	E13.7170	1	Marlborough	Marlborough	East
26 River Street	E13.1067	9	Remainder	Pewsey	East
Honey Street Mills	E10.0772	3	Remainder	Pewsey	East
Rivar Farm Buildings Shalbourne	E13.1104	2	Remainder	Pewsey	East
Three Horse Shoes	E10.0731	0	Remainder	Pewsey	East

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Uphill Farm, Uphill	E11.0248	0	Devizes	Devizes	East
178 Andover Road	E11.0394	4	Tidworth & Ludgershall	Tidworth	East
Land to the rear of Foxfield and Estcots Aldbourne Road	E12.0219	2	Remainder	Marlborough	East
66 Blackberry Lane	E12.1179	1	Remainder	Devizes	East
Wakefield House, Cardigan Road	E12.1287	1	Marlborough	Marlborough	East
Whittonditch Farm Whittonditch Ramsbury	E13.0171	4	Remainder	Marlborough	East
Land adjacent to The Old Bakery High Street	E13.0268	0	Remainder	Devizes	East
9 Sandfield	E13.0710	1	Remainder	Devizes	East
Tanglewood Roundway Park	E13.1868	0	Devizes	Devizes	East
6A Lottage Road Aldbourne Marlborough	E13.3443	0	Remainder	Marlborough	East
Malbar Andover Road Andover Road Ludgershall Andover Wiltshire SP11 9NE	E13.3798	1	Tidworth & Ludgershall	Tidworth	East
Chirton Garage, Andover Road	K.45528	0	Remainder	Pewsey	East
The Tynning 8 Sunnyside	E13.6333	1	Remainder	Devizes	East
12 River Street	E13.1659	4	Remainder	Pewsey	East
Ground Floor of The Dutch Barn Elm Tree Park Bath Road Manton Wiltshire SN8 1PS	E13.5564	1	Remainder	Marlborough	East
The Mill House First Floor, Conygre Farm Burbage Road	E13.5729	1	Remainder	Pewsey	East
Wyndhams. St. Joseph's Place	E13.4763	1	Devizes	Devizes	East
Broad Lane Farm, Broad Lane	E11.0295	0	Remainder	Melksham	North and West
Owls Corner Martinslade	E11.1013	1	Remainder	Melksham	North and West
The Black Barn, Winkins Lane	N00.2001	1	Remainder	Malmesbury	North and West
P.O Stores, Nettleton Green	N07.0279	1	Remainder	Chippenham	North and West
Land North of B4042, Malmesbury Road, Nr Ballards Ash	N08.0025	1	Remainder	Royal Wootton Bassett & Cricklade	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Adj 1 Bradford Road	N08.1194	1	Corsham	Corsham	North and West
Adj 22 Lady Coventry Road	N08.1345	1	Chippenham	Chippenham	North and West
Ashbury, Stoppers Hill	N09.0625	1	Remainder	Malmesbury	North and West
Westfield Farm	N10.0258	1	Remainder	Chippenham	North and West
Land off Nettleton Road, Burton	N10.0693	7	Remainder	Chippenham	North and West
Great Rideway Farm, Main Road	N10.0958	1	Remainder	Chippenham	North and West
Church Farm Coach House, Wheatsheaf Lane	N10.1162	2	Remainder	Malmesbury	North and West
Rear of 36 Market Place	N10.1747	1	Chippenham	Chippenham	North and West
St Ivel Factory Site, Station Road	N10.1902	6	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
31 Rowden Hill	N10.2149	1	Chippenham	Chippenham	North and West
Rear of 26 High Street, Sutton Bengier	N10.2190	1	Remainder	Chippenham	North and West
Land to the rear of 6 & 8 Bradford Road	N10.2625	5	Corsham	Corsham	North and West
Redundant Barn adjacent to the Old Farmhouse, Seagry Road	N10.3088	2	Remainder	Chippenham	North and West
Land rear of 16 High Street	N10.3094	2	Corsham	Corsham	North and West
Rear of 25 Market Place	N10.3285	4	Chippenham	Chippenham	North and West
Land at Delmont, Holloway Hill	N10.3394	1	Malmesbury	Malmesbury	North and West
Middle Hill Farm, Lower North Wraxall	N10.3500	1	Remainder	Chippenham	North and West
Stables at Willow End	N10.3927	2	Remainder	Malmesbury	North and West
Former Chapel, Newtown	N10.4250	1	Remainder	Chippenham	North and West
Land off Calcutt Street	N10.4595	1	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
Upper Stanbridge Farm	N10.4629	1	Remainder	Malmesbury	North and West
Land adjoining 11 Pear Tree Close, Widham	N11.0092	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
MANSELLS COACH HOUSE, UPPER MINETY	N11.3550	1	Remainder	Malmesbury	North and West
109 Gloucester Road	N11.0935	7	Malmesbury	Malmesbury	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Ivy Cottage, The Forty	N11.1073	1	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
Tallywacker Farm, Nash Lane	N11.1164	0	Remainder	Chippenham	North and West
15 New Road	N11.1240	2	Chippenham	Chippenham	North and West
Thornhill Farm, Common Road	N11.1392	1	Remainder	Malmesbury	North and West
36C North Street	N11.1502	1	Calne	Calne	North and West
Horsey Down, Common Hill	N11.1782	3	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
Land rear of Hawthorn House, Hawthorn Road	N11.1823	2	Chippenham	Chippenham	North and West
18 St Mary's Place	N11.2167	3	Chippenham	Chippenham	North and West
Cloud's Farm, The Clouds, Box Hill	N11.2176	1	Remainder	Corsham	North and West
Arms Farm, 9 High Street	N11.2233	2	Remainder	Chippenham	North and West
76 Sheldon Road	N11.2283	1	Chippenham	Chippenham	North and West
6 BATTLEWELL	N11.2322	4	Remainder	Royal Wootton Bassett & Cricklade	North and West
Adj 64 Dallas Road	N11.2416	1	Chippenham	Chippenham	North and West
Adj 64 Dallas Road	N11.2416	1	Chippenham	Chippenham	North and West
The French Gardens, Adj Appletrees	N11.2457	1	Remainder	Chippenham	North and West
Land to the Rear of 20 Bath Road	N11.2469	1	Remainder	Corsham	North and West
Lower Peckinggell Farm	N11.2527	1	Remainder	Chippenham	North and West
Beaufort Park, Station Road	N11.2567	3	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
First Floor, Potters Walk, 133-134 High Street	N11.2585	3	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
Adj The Old Bakehouse, 4 Main Road	N11.2802	1	Remainder	Calne	North and West
Mardrea, The Hyde	N11.2978	4	Remainder	Royal Wootton Bassett & Cricklade	North and West
Showell Farm, Showell	N11.3045	2	Remainder	Corsham	North and West
Riverside, Foxley Road	N11.3161	0	Malmesbury	Malmesbury	North and West



Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Fordswood Miniature Horse Stud, Lower Kingsdown Road	N12.1252	1	Remainder	Corsham	North and West
Cedarwood, Middle Lane	N11.3190	1	Remainder	Calne	North and West
Land at Stubbs Lane	N11.3343	1	Remainder	Chippenham	North and West
37 PALMER STREET	N11.3470	1	Chippenham	Chippenham	North and West
Workshop at Chelworth Manor Farm, Chelworth	N11.3523	1	Remainder	Malmesbury	North and West
Teal Farm, Hare Street, Foxham	N11.3606	0	Remainder	Calne	North and West
6 Malmesbury Road, Leigh	N11.3637	0	Remainder	Malmesbury	North and West
39 & 40 The Street	N11.3791	4	Remainder	Calne	North and West
Land at Honey Knob Hill	N11.4132	2	Remainder	Chippenham	North and West
Morley Farm, Eastcourt, Malmesbury	N12.0100	2	Remainder	Malmesbury	North and West
209 Wood Lane	N12.0211	1	Chippenham	Chippenham	North and West
Brethren Meeting Room, Goldney Avenue	N12.0286	5	Chippenham	Chippenham	North and West
22 MILBOURNE PARK, MILBOURNE	N12.0293	1	Remainder	Malmesbury	North and West
Manor Farm, Corston	N12.0327	5	Remainder	Malmesbury	North and West
Land to the Rear of The Old Police House, 6 Main Road	N12.0497	1	Remainder	Calne	North and West
Land adjacent to 34 The Street	N12.0506	1	Remainder	Calne	North and West
Candle Tree, Bath Road	N12.0565	1	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
Land Off Noble Street	N12.0652	1	Remainder	Malmesbury	North and West
Cote House, 24 Rowden Hill	N12.0654	2	Chippenham	Chippenham	North and West
OLIVEMEAD LAKE, OLIVEMEAD LANE	N12.0659	1	Remainder	Malmesbury	North and West
Former Garage Site, The Close, Gastard	N12.0716	2	Remainder	Corsham	North and West
Avondale, Brook End	N12.0730	0	Remainder	Malmesbury	North and West
13 High Street	N12.0769	1	Calne	Calne	North and West
13 High Street	N12.0773	2	Calne	Calne	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Arnolds Mill	N12.0825	1	Remainder	Corsham	North and West
Shepherds House, Cricklade Road	N12.1074	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
THE OLD RECTORY, CHURCH ROAD	N12.1089	1	Remainder	Chippenham	North and West
Ashley Lodge Farm, Ashley	N12.1198	1	Remainder	Corsham	North and West
Langleys Folly, Adjacent 4 Silver Street	N12.1199	1	Remainder	Corsham	North and West
Brown Leaves, Hollow Street	N12.1264	1	Remainder	Malmesbury	North and West
12 The Causeway	N12.1445	1	Chippenham	Chippenham	North and West
LONGCROFT, STATION ROAD	N12.1479	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Apsley House, 50 High Street	N12.1542	2	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
Holloway, 53 & 53A Bradenstoke	N12.1618	0	Remainder	Royal Wootton Bassett & Cricklade	North and West
HARESFIELD FARM, LOWER STANTON ST QUINTIN	N12.1669	1	Remainder	Chippenham	North and West
The Methuen Arms Hotel, 2 High Street	N12.1905	1	Corsham	Corsham	North and West
38 Stone Lane	N12.2015	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Hillside Farm, Dauntsey Lock	N12.2019	0	Remainder	Malmesbury	North and West
Land Rear of 6 Upper Pavenhill	N12.2232	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Seagry and Startley Village Hall, Upper Seagry	N12.2359	1	Remainder	Chippenham	North and West
Summerhouse Farm, Minety	N12.2913	2	Remainder	Malmesbury	North and West
The Old Farmhouse, Seagry Road	N12.3079	1	Remainder	Chippenham	North and West
The College, The Green	N12.3107	1	Calne	Calne	North and West
Dartland Farm, Malmesbury Road	N12.3303	1	Remainder	Malmesbury	North and West
Land adj 88 London Road	N12.3632	1	Chippenham	Chippenham	North and West
Land off Sandpit Road	N12.3645	2	Calne	Calne	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Land at Curlew Drive	N12.3663	2	Chippenham	Chippenham	North and West
9 London Road	N12.3755	2	Chippenham	Chippenham	North and West
Manor Farm	N12.3814	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
QUEMERFORD HOUSE, 26 QUEMERFORD	N12.3907	1	Calne	Calne	North and West
Former Dairy, Priory Street	N12.3980	7	Corsham	Corsham	North and West
97 Chippenham Road	N12.4005	8	Remainder	Royal Wootton Bassett & Cricklade	North and West
Wootton Meadows Farm, Marlborough Road	N12.4041	0	Remainder	Royal Wootton Bassett & Cricklade	North and West
Sherston Community Church, Cliff Road	N12.4050	2	Remainder	Malmesbury	North and West
Land at Pew Mead	N12.4073	0	Remainder	Corsham	North and West
Land at 33 Kent End	N12.4086	1	Remainder	Malmesbury	North and West
18 Dianmer Close	N12.4130	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
23 Calne Road	N13.0043	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Applewood House, Noble Street	N13.0331	0	Remainder	Malmesbury	North and West
35/37 ROUNDMEAD, ST JOHN'S STREET	N13.0333	-1	Malmesbury	Malmesbury	North and West
Land Adjacent Pilgrim Cottage, Back Street	N13.0336	1	Remainder	Malmesbury	North and West
Tarawood, Bradford Road	N13.0342	1	Remainder	Corsham	North and West
29 DOUBLEDAYS	N13.0376	1	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
The Old Scout Hall	N13.0530	1	Remainder	Calne	North and West
Bushton Road Farmhouse	N13.0555	1	Remainder	Calne	North and West
Barretts Yard, Stone Lane	N13.0562	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Pew Hill House, Pew Hill	N13.0611	9	Chippenham	Chippenham	North and West
The Annexe, 6 Elm Hayes	N13.0622	1	Corsham	Corsham	North and West

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Abbey View Farm, Malmesbury By Pass	N13.0627	1	Malmesbury	Malmesbury	North and West
Burton Hill House, Burton Hill	N13.0703	9	Malmesbury	Malmesbury	North and West
Land adjacent 56 Redlands	N13.0766	1	Chippenham	Chippenham	North and West
Land between 48 and 50 Redland	N13.0803	2	Chippenham	Chippenham	North and West
Land to Rear of 13, Station Road	N13.0813	1	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
THE POPLARS, LOWER KINGSDOWN ROAD	N13.1001	1	Remainder	Corsham	North and West
Chilvester House	N13.1137	1	Calne	Calne	North and West
Glen Echo, Lower Kingsdown Road	N13.1147	0	Remainder	Corsham	North and West
Hall Barn (Formerly The Granary), Upper North Wraxall	N13.1163	1	Remainder	Chippenham	North and West
The Forge, The High Street	N13.1174	1	Malmesbury	Malmesbury	North and West
Hither Farm, Stanley Lane	N13.1176	1	Remainder	Calne	North and West
14 Brook Street, Chippenham, Wilts	N13.1444	1	Chippenham	Chippenham	North and West
Clitchbury Farm	N13.1450	3	Remainder	Malmesbury	North and West
35A The Hyde	N13.1656	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
12-14 Noble Street	N13.1780	-1	Remainder	Malmesbury	North and West
CHESTNUT COTTAGE, PARK LANE	N13.1844	1	Remainder	Calne	North and West
CAERHAYS, THE HYDE	N13.1913	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Salmons Leap Calstone	N13.2361	0	Remainder	Calne	North and West
Angel House High Street	N13.2364	1	Remainder	Malmesbury	North and West
West Kington Nurseries, West Kington	N13.2394	1	Remainder	Chippenham	North and West
The Embankment Site, Bath Road Bath Road Chippenham Wiltshire SN14 0RL	N13.3099	5	Chippenham	Chippenham	North and West
Angel House High Street	N13.3135	1	Remainder	Malmesbury	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
11 Easton Square	N13.3799	8	Remainder	Malmesbury	North and West
Chas Hart Ltd	N13.4367	1	Chippenham	Chippenham	North and West
New Homestead Farm Mountain Bower	N13.4717	1	Remainder	Chippenham	North and West
THE STUDIO, BROADTOWN ROAD FARM, BROADTOWN LANE	N13.5336	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Swallett Farm Main Road	N13.5680	2	Remainder	Chippenham	North and West
Parsonage Farm, Clyffe Pypard, Swindon Clyffe Pypard Swindon SN4 7RY	N13.5814	-1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Long View	S12.1765	0	Remainder	Warminster	North and West
Pembroke House, Edward Street	W08.0539	2	Westbury	Westbury	North and West
Former Depot, Frome Road	W08.0754	4	Bradford on Avon	Bradford on Avon	North and West
17 & 18 Market Place	W08.1033	1	Bradford on Avon	Bradford on Avon	North and West
Land rear of 63 West Street	W08.1541	1	Warminster	Warminster	North and West
Land Adjoining 24 Church Street	W08.2175	3	Remainder	Trowbridge	North and West
Adj 7 Mount Pleasant	W08.2281	1	Bradford on Avon	Bradford on Avon	North and West
Adj 10 Ruskin Drive	W08.3240	1	Warminster	Warminster	North and West
3 Drynham Lane	W08.3649	1	Trowbridge	Trowbridge	North and West
16 High Street	W09.0583	1	Remainder	Warminster	North and West
Land East of Clivey Barn Farm, Clivey	W09.0941	1	Remainder	Westbury	North and West
Land rear of 110 Bradley Road	W09.1975	2	Trowbridge	Trowbridge	North and West
Brickfield Farm, Littleton	W09.1996	1	Remainder	Melksham	North and West
Garage Block Alcock Crest	W09.3123	3	Warminster	Warminster	North and West
Land East of Valley Farm	W09.3218	1	Remainder	Warminster	North and West
Fairfield Road	W09.3634	8	Warminster	Warminster	North and West
41 Meadow Lane	W10.0570	1	Westbury	Westbury	North and West
Land rear of 252 Frome Road	W10.2583	1	Trowbridge	Trowbridge	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
23-25 Bath Road	W10.2671	2	Melksham	Melksham	North and West
54 Woodmarsh	W10.3315	1	Remainder	Trowbridge	North and West
Land rear of 523 Semington Road	W10.3428	1	Melksham	Melksham	North and West
Land rear of 49-57 King Street	W10.3631	2	Melksham	Melksham	North and West
147B Westbury Leigh	W10.3728	1	Westbury	Westbury	North and West
8 Bradley Road	W10.3746	4	Warminster	Warminster	North and West
Land east of 102A High Street	W11.0043	1	Remainder	Warminster	North and West
Smallbrook Gardens	W11.0726	2	Bradford on Avon	Bradford on Avon	North and West
Sutton Veny Nursing Home, Bishopstrow Road	W11.0741	7	Remainder	Warminster	North and West
Land rear of 11 Westbury Road	W11.0755	1	Warminster	Warminster	North and West
2 Union Street	W11.0798	1	Melksham	Melksham	North and West
4-8 Church Street, rear of Edward Street	W11.0886	2	Westbury	Westbury	North and West
Wayside 3 Imber Road	W11.0900	0	Remainder	Westbury	North and West
Land Rear Of 9 11 And 13 Pitman Avenue	W11.1105	1	Trowbridge	Trowbridge	North and West
46 Boreham Road	W11.1143	1	Warminster	Warminster	North and West
46 Boreham Road	W11.1143	1	Warminster	Warminster	North and West
R&R Coaches Ltd, Bishopstrow Road	W11.1188	9	Warminster	Warminster	North and West
Land adjacent 1 Shepherds Bungalow	W11.1228	1	Remainder	Melksham	North and West
54A Murhill, Limpley Stoke	W11.1372	1	Remainder	Bradford on Avon	North and West
Land adj to 52 Craybourne Road	W11.1493	1	Melksham	Melksham	North and West
17 Church Street	W11.1615	1	Trowbridge	Trowbridge	North and West
Land rear of Little House, High Street	W11.1637	1	Remainder	Warminster	North and West
Byfields, Deverill Road	W11.1820	0	Remainder	Warminster	North and West
Combe Farm, Combe Lane	W11.1841	1	Remainder	Westbury	North and West
Land south of The Paddocks, Whiteheads Lane	W11.1954	1	Bradford on Avon	Bradford on Avon	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
6 Summerdown Walk	W11.2014	1	Trowbridge	Trowbridge	North and West
Land adj 8 Sladesbrook	W11.2177	1	Bradford on Avon	Bradford on Avon	North and West
Land adj 14 Woodrow Road	W11.2267	1	Melksham	Melksham	North and West
Land Rear Of 25 And 26 Union Street	W11.2320	2	Melksham	Melksham	North and West
Carric, 29 Park Lane	W11.2484	0	Remainder	Westbury	North and West
Land Adj 252 Imber Road	W11.2488	1	Warminster	Warminster	North and West
Land South of Middle Farm House, High Street	W11.2499	1	Remainder	Warminster	North and West
Farriers & Coachmans Cottage, Station Approach	W11.2573	2	Melksham	Melksham	North and West
Horseshoe Cottage, Station Approach	W11.2573	1	Melksham	Melksham	North and West
Stable Cottage, Station Approach	W11.2586	1	Melksham	Melksham	North and West
Land adj 16 Wiltshire Crescent	W11.2648	1	Melksham	Melksham	North and West
Wayside, Bapton	W11.2673	1	Remainder	Warminster	North and West
42 Church Street	W11.2846	3	Warminster	Warminster	North and West
First Floor, 53 Castle Street	W11.2928	1	Trowbridge	Trowbridge	North and West
69 Woolley Street	W11.3178	6	Bradford on Avon	Bradford on Avon	North and West
15 Bratton Road	W11.3195	1	Westbury	Westbury	North and West
7B Hillwood Lane	W11.3199	2	Warminster	Warminster	North and West
7, 8 & 9 Fore Street	W11.3200	3	Warminster	Warminster	North and West
Holt Joinery, The Midlands	W11.3225	1	Remainder	Bradford on Avon	North and West
29A Newtown	W11.3234	2	Trowbridge	Trowbridge	North and West
Land adj 40 Shepherds Mead	W11.3301	1	Remainder	Westbury	North and West
Land at 16 Budbury Tynning	W12.0009	1	Bradford on Avon	Bradford on Avon	North and West
Brokerswood House, Wood Road, Brokerswood	W12.0120	1	Remainder	Trowbridge	North and West
Land Adjacent 22 Cherry Orchard	W12.0260	3	Remainder	Warminster	North and West
Building Rear Of 65 Bradford Road	W12.0340	1	Remainder	Melksham	North and West
White Lion Market Place	W12.0456	9	Westbury	Westbury	North and West

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Land adjacent 4a Wellington Drive	W12.0479	1	Melksham	Melksham	North and West
Land North Of 10 Trowle	W12.0480	1	Trowbridge	Trowbridge	North and West
Land Rear Of 25 Westmead Crescent	W12.0510	1	Trowbridge	Trowbridge	North and West
Land North East Of 2 Fleur De Lys Drive	W12.0512	1	Remainder	Trowbridge	North and West
Land North East Of Fairview Farm Bratton Road	W12.0528	1	Westbury	Westbury	North and West
Garages Adjoining 19 To 24A The Ridgeway	W12.0535	2	Warminster	Warminster	North and West
106 West Street	W12.0555	4	Warminster	Warminster	North and West
8 Hillwood Lane	W12.0578	0	Warminster	Warminster	North and West
Land adj 41 Meadow Lane	W12.0622	1	Westbury	Westbury	North and West
Eastleigh Court	W12.0724	1	Remainder	Warminster	North and West
Land North West Of 199 The Common, Beckerley Lane	W12.0810	1	Remainder	Bradford on Avon	North and West
Land East Of 46 The Croft	W12.0825	1	Trowbridge	Trowbridge	North and West
Manor Farm, Bradford Road	W12.0862	1	Remainder	Bradford on Avon	North and West
Land at Bond Street	W12.0958	1	Trowbridge	Trowbridge	North and West
Tinhead Methodist Church Salisbury Hollow	W12.0995	2	Remainder	Westbury	North and West
Land North West Of Weston Nurseries Coomb View Corton	W12.1036	1	Remainder	Warminster	North and West
Land rear of 27 Hornbeam Crescent	W12.1163	1	Melksham	Melksham	North and West
Barrie Taylor Associates 39 Silver Street	W12.1180	2	Warminster	Warminster	North and West
Land Rear Of 61 Westbury Leigh	W12.1231	1	Westbury	Westbury	North and West
4 6 8 And 10 Bank Street	W12.1255	4	Melksham	Melksham	North and West
The Georgian Lodge, 25 Bridge Street	W12.1340	9	Bradford on Avon	Bradford on Avon	North and West
37 - 38 Fore Street	W12.1359	4	Trowbridge	Trowbridge	North and West
23 Deverill Road	W12.1490	2	Remainder	Warminster	North and West
6 Fore Street	W12.1542	3	Trowbridge	Trowbridge	North and West



Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Adj 36 Westfield Road	W12.1553	1	Trowbridge	Trowbridge	North and West
Golden Maplecroft Bath Road	W12.1582	1	Remainder	Bradford on Avon	North and West
Heronview, 91B Winsley Hill	W12.1636	1	Remainder	Bradford on Avon	North and West
Land At Smallbrook House Smallbrook Gardens	W12.1675	5	Bradford on Avon	Bradford on Avon	North and West
Land adj 13 Bread Sreet	W12.1702	3	Warminster	Warminster	North and West
The Cromwell Buildings The Street	W12.1733	1	Remainder	Melksham	North and West
Land South West Of 16 Philip Close	W12.1767	1	Melksham	Melksham	North and West
6 Summerdown Walk	W12.1778	1	Trowbridge	Trowbridge	North and West
29 Duke Street	W12.1789	2	Trowbridge	Trowbridge	North and West
Chilliswood 2A Church Lane	W12.1799	1	Remainder	Bradford on Avon	North and West
Land adj 22 Broxburn Road	W12.1805	1	Warminster	Warminster	North and West
1 Islington	W12.1828	1	Trowbridge	Trowbridge	North and West
Eastern House 16 Silver Street	W12.1922	2	Bradford on Avon	Bradford on Avon	North and West
Land West Of 60 Bradley Road	W12.2043	2	Trowbridge	Trowbridge	North and West
Land between 1a Millhouse and 1 Lower Road	W12.2101	1	Remainder	Westbury	North and West
Land North Of 17B Bratton Road	W12.2106	1	Remainder	Trowbridge	North and West
Land adj 105e, Top Lane, Whitley	W12.2126	1	Remainder	Melksham	North and West
Rear of 28 Roundstone Street	W12.2161	6	Trowbridge	Trowbridge	North and West
3 High Street	W12.2179	4	Warminster	Warminster	North and West
127 - 128 Winsley	W12.2226	1	Remainder	Bradford on Avon	North and West
34 Silver Street	W12.2322	1	Bradford on Avon	Bradford on Avon	North and West
Land Rear Of 4 Sandridge Road	W12.2344	1	Melksham	Melksham	North and West
Land Rear Of 82 Market Place	W13.0015	6	Warminster	Warminster	North and West
4-8 Church Street, rear of Edward Street	W13.0059	1	Westbury	Westbury	North and West
Land Rear Of Fire Station Meadow Lane	W13.0074	3	Westbury	Westbury	North and West

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Land North West Of 6 Holmeleaze	W13.0152	1	Remainder	Melksham	North and West
Land At 11 And 11A Edward Street	W13.0173	4	Westbury	Westbury	North and West
Land At 60 And 60A Bradford Road	W13.0186	9	Trowbridge	Trowbridge	North and West
Land South Of 34 Luxfield Road	W13.0211	1	Warminster	Warminster	North and West
30 Winsley Road	W13.0274	0	Bradford on Avon	Bradford on Avon	North and West
Garage Blocks South Of 8 To 10 Epping Close	W13.0451	2	Warminster	Warminster	North and West
Highfield Potters Hill Crockerton	W13.0493	1	Remainder	Warminster	North and West
Land East Of Forest Lane Lacock	W13.0547	1	Remainder	Melksham	North and West
12B Pitman Mews Silver Street	W13.0619	1	Trowbridge	Trowbridge	North and West
The Old Church, Church Road	W13.0723	1	Remainder	Westbury	North and West
Land At Beaglers Green	W13.0781	1	Bradford on Avon	Bradford on Avon	North and West
101 High Street	W13.0789	0	Remainder	Warminster	North and West
Methodist Church Staverton	W13.0833	1	Remainder	Bradford on Avon	North and West
Land South East Of Temple Manor	W13.0838	1	Remainder	Warminster	North and West
The Old Coach House, Shaw Hill	W13.0919	1	Remainder	Melksham	North and West
West View Chapel Road	W13.0971	1	Remainder	Warminster	North and West
45 Middle Stoke	W13.1013	1	Remainder	Bradford on Avon	North and West
Hudds Farm Westwood Road	W13.1032	1	Remainder	Bradford on Avon	North and West
129 Yarnbrook Road	W13.1062	0	Remainder	Trowbridge	North and West
The New Testament Church Of God 14 Islington	W13.1110	4	Trowbridge	Trowbridge	North and West
Land Adjacent to 5 Curtis Orchard	W13.1206	1	Remainder	Melksham	North and West
Land West of 83 Upper Marsh Road	W13.1401	1	Warminster	Warminster	North and West
7 Old Track	W13.1468	1	Remainder	Bradford on Avon	North and West
4 St Aldhelm Road	W13.1591	1	Bradford on Avon	Bradford on Avon	North and West
Marriages Farm Hill Deverill	W13.1950	1	Remainder	Warminster	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Land South Of 49 Lambrok Road	W13.1979	1	Trowbridge	Trowbridge	North and West
1 To 5 Manvers Street And 65 Fore Street	W13.2508	3	Trowbridge	Trowbridge	North and West
Rear of Wesley Road Club, Wesley Road	W13.2586	6	Trowbridge	Trowbridge	North and West
The Seven Workshop Elms Cross Yard Frome Road	W13.3273	3	Bradford on Avon	Bradford on Avon	North and West
George Hotel High Street	W13.3716	1	Remainder	Warminster	North and West
84 High Street	W13.3863	1	Remainder	Bradford on Avon	North and West
Land South Of Former Garage Site, Frome Road	W13.3868	5	Bradford on Avon	Bradford on Avon	North and West
16 Silver Street	W13.3881	1	Warminster	Warminster	North and West
Land To The Rear Of 1 The Grange Middle Lane Whitley	W13.4187	1	Remainder	Melksham	North and West
Copse Farm, Great Chalfield	W13.4366	1	Remainder	Bradford on Avon	North and West
73 Ruskin Drive	W13.4478	1	Warminster	Warminster	North and West
Land Adjacent to 1 Strattons Walk	W13.4492	2	Melksham	Melksham	North and West
21 Frome Road Southwick	W13.4565	1	Remainder	Trowbridge	North and West
Land to the rear of 2 The Downlands	W13.4784	1	Warminster	Warminster	North and West
Hensford House, Lower Marsh Road	W13.5146	1	Warminster	Warminster	North and West
Saxon Mews 54 New Road	W13.5164	3	Bradford on Avon	Bradford on Avon	North and West
Land South East Of Kennet Gardens	W13.5167	1	Bradford on Avon	Bradford on Avon	North and West
Land South West Of Cleypiece, Old Dilton Road	W13.5261	1	Remainder	Westbury	North and West
The Real Fish Shop 19 Maristow Street	W13.5302	1	Westbury	Westbury	North and West
Trowbridge Motor Supplies Ltd, 1A Gloucester Road	W13.5434	3	Trowbridge	Trowbridge	North and West
Land South of 13 Beckford Close	W13.5477	1	Warminster	Warminster	North and West
Land to rear of 60 Portman Road	W13.5864	1	Melksham	Melksham	North and West
280 Frome Road	W13.6264	2	Trowbridge	Trowbridge	North and West
Cuckoo`s Rest Fishing Lakes Fairwood Road	W13.6370	0	Remainder	Westbury	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
16 High Street	W13.6384	1	Remainder	Warminster	North and West
10 The Street	W13.6476	1	Remainder	Melksham	North and West
The Halve Health Clinic	W13.6678	6	Trowbridge	Trowbridge	North and West
91 St Andrews Road	W14.0053	1	Warminster	Warminster	North and West
Land west of 7 Kingsdown Road	W14.0254	1	Trowbridge	Trowbridge	North and West
11 & 14 The Cornmarket	W14.1825	2	Warminster	Warminster	North and West
Mavern House, Corsham Road	W12.1311	7	Remainder	Melksham	North and West
Ballards Ash Farm, Brinkworth Road	N12.0941	1	Remainder	Royal Wootton Bassett & Cricklade	North and West
Land Rear of 8-10 Bolingbroke Close	N07.2819	7	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
East Cottage, Burton Hill	N09.2226	8	Malmesbury	Malmesbury	North and West
LAND AT END OF BRUGES CLOSE	N10.3467	1	Chippenham	Chippenham	North and West
9 Gaston Lane	N11.0312	1	Remainder	Malmesbury	North and West
Coach House	N11.3636	9	Remainder	Calne	North and West
Land Rear of 9 Green Lane	W10.2978	1	Westbury	Westbury	North and West
Adj 512 Semington Road	W10.3086	1	Melksham	Melksham	North and West
Adj 69 high Street	W10.3225	1	Remainder	Westbury	North and West
36a Roundpond	W10.3450	1	Melksham	Melksham	North and West
Adj. 4 Chapel Street	W11.0143	1	Warminster	Warminster	North and West
Land adj 54 Methuen Avenue	W11.1290	1	Melksham	Melksham	North and West
Land East of Railway Inn, Station Road	W11.1720	8	Westbury	Westbury	North and West
27 Forest Road	W11.3043	1	Melksham	Melksham	North and West
Land West Of Budbury Close	W12.2150	3	Bradford on Avon	Bradford on Avon	North and West
Land West Of 32 Craybourne Road	W13.3043	1	Melksham	Melksham	North and West
Adj. Eastway Cottage, Imber Road	W13.3300	1	Warminster	Warminster	North and West
Land Rear Of George Hotel High Street	W13.3718	1	Warminster	Warminster	North and West

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Garages at Rutland Crescent	W13.5172	3	Trowbridge	Trowbridge	North and West
Squires Coal Services, Lane End	W13.7129	2	Remainder	Warminster	North and West
121 Crockerton	W14.0644	1	Remainder	Warminster	North and West
The Studio, Quarry Hill	N13.6368	1	Remainder	Corsham	North and West
111a High Street	N14.1802	1	Royal Wootton Bassett	Royal Wootton Bassett & Cricklade	North and West
49 Shurnhold	W13.5894	1	Melksham	Melksham	North and West
9b Station Road	N13.4884	1	Corsham	Corsham	North and West
Adj White House, Forest Road, Nomansland	NF08.93142	1	Remainder	Southern Wiltshire	South
Land adj. Plumtrees, School Road, Nomansland	NF09.93925	1	Remainder	Southern Wiltshire	South
Mayfield, South Lane, Nomansland	NF11.96764	0	Remainder	Southern Wiltshire	South
LITTLE GREEN, SOUTH LANE, NOMANSLAND	NF12.97727	1	Remainder	Southern Wiltshire	South
GREENHILL FARM, NEW ROAD	NF12.98051	1	Remainder	Southern Wiltshire	South
CHAPEL HOUSE, LYNDHURST ROAD	NF13.98148	1	Remainder	Southern Wiltshire	South
Horsehills	S02.0939	2	Remainder	Tisbury	South
Springbourne House, High Street	S07.1600	4	Remainder	Amesbury	South
Adj 166 Coombe Road	S08.0955	1	Salisbury	Salisbury	South
Elm Grove	S08.1806	2	Remainder	Tisbury	South
Elm Grove	S08.1806	1	Remainder	Tisbury	South
Pine Lodge Cottages, Mesh Pond	S09.1052	2	Downton	Southern Wiltshire	South
78 St Marks Avenue	S09.1539	3	Salisbury	Salisbury	South
Whiteparish Village Store Ltd, The Street	S10.0053	0	Remainder	Southern Wiltshire	South
Corner of The Ham + Bulford Road	S10.0392	2	Remainder	Amesbury	South
Land located between Casterbridge and The Paddock, Shriple Lane	S10.0395	1	Remainder	Southern Wiltshire	South
50 Fisherton Street	S10.0543	2	Salisbury	Salisbury	South
Adj Ebble Cottage	S10.0889	1	Remainder	Southern Wiltshire	South
The Old Dairy, West Amesbury	S10.0957	1	Amesbury, Bulford & Durrington	Amesbury	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Lincluden, Middle Street	S10.0980	1	Salisbury	Salisbury	South
7 Orchard Road	S10.1158	1	Salisbury	Salisbury	South
Woodside, Rectory Hill	S10.1202	0	Remainder	Southern Wiltshire	South
Land at Swaynes Mead	S10.1241	1	Remainder	Amesbury	South
42 Bourne Avenue	S10.1272	0	Salisbury	Salisbury	South
42 Bourne Avenue	S10.1272	0	Salisbury	Salisbury	South
Land behind 7-11 Brown Street	S10.1345	5	Salisbury	Salisbury	South
Woodlyne House, Lights Lane	S10.1382	0	Remainder	Southern Wiltshire	South
Rollestone Cottage, Rollestone Road	S10.1389	1	Remainder	Amesbury	South
Salisbury Road/Old Granary Lane	S10.1534	1	Amesbury, Bulford & Durrington	Amesbury	South
Land At Cedar House & Stanbury View, Breamore Road	S10.1548	6	Downton	Southern Wiltshire	South
Land At Cedar House & Stanbury View, Breamore Road	S10.1548	7	Downton	Southern Wiltshire	South
Rear of Red House, Middleton	S10.1570	1	Remainder	Southern Wiltshire	South
19A Milford Street	S10.1579	1	Salisbury	Salisbury	South
Site next to Rose & Crown, High Street	S10.1750	1	Amesbury, Bulford & Durrington	Amesbury	South
4 Station Terrace, Windsor Road	S10.1797	2	Salisbury	Salisbury	South
Hawks Nest Farm	S10.1810	1	Remainder	Southern Wiltshire	South
Jervoise Farm, Blandford Road	S10.1858	1	Remainder	Wilton	South
194 Castle Street	S10.1887	8	Salisbury	Salisbury	South
The Kennels, Partridge Hill	S10.1917	1	Remainder	Southern Wiltshire	South
Royal Oak Inn	S11.0031	1	Remainder	Amesbury	South
Land at The Street	S11.0111	2	Remainder	Mere	South
Adj Fitts Farm Cottages, The Street	S11.0168	1	Remainder	Wilton	South
18 North Street	S11.0368	4	Salisbury	Salisbury	South
Adj Orchard Cottage, Over Street	S11.0500	1	Remainder	Amesbury	South
Summerfield House, Berwick St James	S11.0518	0	Remainder	Amesbury	South
The Barns Manor Farm Lower Zeals	S11.0546	4	Remainder	Mere	South
Old Farmhouse Barn, Burcombe Lane	S11.0581	2	Remainder	Wilton	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Former Motorcycle Shop, The Centre	S11.0625	1	Amesbury, Bulford & Durrington	Amesbury	South
Pythouse Club, West Hatch	S11.0647	1	Tisbury	Tisbury	South
The Long Barn at Manor Farm, Fisherton De La Mere, Warminster	S11.0786	1	Remainder	Amesbury	South
Land at Former Shrewton School, High Street	S11.0818	5	Remainder	Amesbury	South
111 Wilton Road	S11.0831	1	Salisbury	Salisbury	South
Adj 1 & 2 Festival Crescent	S11.0936	1	Salisbury	Salisbury	South
32 Winchester Street	S11.1042	2	Salisbury	Salisbury	South
Lilac Cottage, Cold Harbour	S11.1054	0	Amesbury, Bulford & Durrington	Amesbury	South
Lyvers Farm, Livers Lane	S11.1104	0	Remainder	Southern Wiltshire	South
28 St Edmund's Church Street	S11.1106	4	Salisbury	Salisbury	South
Farm Buildings, Baverstock Lane	S11.1178	1	Remainder	Wilton	South
Land adjacent to Surgery Common Road	S11.1196	1	Remainder	Southern Wiltshire	South
Baily Hill Farm, Sutton Row	S11.1197	1	Remainder	Tisbury	South
Land adj to 29 Church Road	S11.1275	1	Remainder	Amesbury	South
Little Orchard	S11.1360	0	Remainder	Tisbury	South
79 Wilton Road	S11.1376	1	Salisbury	Salisbury	South
Steynings House, Summerlock Approach	S11.1556	9	Salisbury	Salisbury	South
Land adj to Pippins, Lights Lane	S11.1563	1	Remainder	Southern Wiltshire	South
27 Firs Road, Firsdown	S11.1579	0	Remainder	Southern Wiltshire	South
8 The Poplars	S11.1606	1	Remainder	Wilton	South
Mere Lecture Hall, Salisbury Street	S11.1652	1	Mere	Mere	South
Frickers Mead	S11.1665	0	Remainder	Mere	South
Frickers Mead	S11.1665	1	Remainder	Mere	South
Land rear of Boot Inn High Street	S11.1782	1	Tisbury	Tisbury	South
29 Kelsey Road	S11.1785	1	Salisbury	Salisbury	South
Emblems Restaurant, Shaftesbury Road, Compton Chamberlayne	S11.1845	0	Remainder	Tisbury	South
35 Blue Boar Row	S11.1887	1	Salisbury	Salisbury	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
152/154 Brookhill, Brookwater	S11.1925	1	Remainder	Tisbury	South
Clouds Cottage	S12.0094	1	Remainder	Mere	South
Land adj Downs Viewm Southbrook	S12.0127	1	Mere	Mere	South
Land Adjacent to Downsway Shaftesbury Road	S12.0362	2	Remainder	Tisbury	South
Land adjoining Shreenwater, Wellhead	S12.0395	1	Mere	Mere	South
East House Hanging Langford	S12.0490	1	Remainder	Amesbury	South
New Barn East Hatch	S12.0531	1	Remainder	Tisbury	South
Manor Court, Dean Road	S12.0571	1	Remainder	Southern Wiltshire	South
Church Cottage, Portnell's Lane	S12.0616	1	Remainder	Mere	South
Highfield The Street, Farley	S12.0706	0	Remainder	Southern Wiltshire	South
South Lea (Orchids Site) Tytherley Road	S12.0731	1	Remainder	Southern Wiltshire	South
Plot adjacent to Mill Brook, Edgebridge	S12.0777	1	Mere	Mere	South
Land to the rear of 58 Shaftesbury Road	S12.0783	1	Wilton	Wilton	South
51 High Street	S12.0802	1	Salisbury	Salisbury	South
Ground Care Ltd School Road	S12.0898	4	Remainder	Amesbury	South
2 Lovegrove Acre	S12.0928	1	Remainder	Wilton	South
Goldens Farm, Common Road	S12.0981	1	Remainder	Southern Wiltshire	South
Highfield Main Road, Winterbourne Earls	S12.1026	1	Remainder	Amesbury	South
Jesolo Wylde Road, Hanging Langford	S12.1090	1	Remainder	Amesbury	South
Fountain Inn, The Street	S12.1150	1	Remainder	Southern Wiltshire	South
1 High Street	S12.1180	1	Remainder	Amesbury	South
Park Hedges White Cross	S12.1181	1	Remainder	Mere	South
Barn Orchard High Road	S12.1217	1	Remainder	Wilton	South
Adj Hazel Hollow, Morgans Vale Road	S12.1253	1	Remainder	Southern Wiltshire	South
The Old Vicarage, Homington Road	S12.1269	1	Remainder	Southern Wiltshire	South
Nelridge Farm, Rolleston Crossroads	S12.1301	1	Remainder	Amesbury	South
Dinton Stores Hindon Road	S12.1328	1	Remainder	Wilton	South
5 Belle Vue Road	S12.1331	1	Salisbury	Salisbury	South



Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Long Close, Clarendon Road	S12.1431	1	Remainder	Southern Wiltshire	South
Brookmead East Grimstead	S12.1502	1	Remainder	Southern Wiltshire	South
Part Upton Farm	S12.1557	1	Remainder	Tisbury	South
Breaches Farm Barrow Street	S12.1562	1	Mere	Mere	South
114 Fisherton Street	S12.1569	3	Salisbury	Salisbury	South
Ashwell Nursery Ashwell	S12.1587	1	Mere	Mere	South
Middle Farm, Homington	S12.1671	2	Remainder	Southern Wiltshire	South
Ansty PYO and Farm Shop	S12.1740	1	Remainder	Tisbury	South
Adj Westerly, The Green	S12.1772	1	Remainder	Southern Wiltshire	South
Land adjacent to The Crown Inn, Church Street, Tisbury, Salisbury, SP3 6NH	S13.0017	3	Tisbury	Tisbury	South
Vacant Site, Adjacent Oaklea	S13.0076	1	Remainder	Southern Wiltshire	South
Rear of Red House, Middleton	S13.0095	1	Remainder	Southern Wiltshire	South
Blue Bells Cowesfield	S13.0127	0	Remainder	Southern Wiltshire	South
Brookdale Tisbury Road	S13.0146	1	Remainder	Tisbury	South
Long Close Barn, Long Close	S13.0155	1	Downton	Southern Wiltshire	South
The Laurells, Out Of The Way Southampton Road	S13.0162	1	Remainder	Southern Wiltshire	South
157 Bulford Road	S13.0237	1	Remainder	Amesbury	South
Brigstowe, Morgans Vale Road	S13.0257	1	Remainder	Southern Wiltshire	South
Land adjacent to Springvale Tidworth Road	S13.0266	1	Remainder	Amesbury	South
Pyt House Middleton Road	S13.0284	1	Remainder	Southern Wiltshire	South
Land At Last, Salt Lane	S13.0327	1	Remainder	Amesbury	South
Final Furlong, Out Of The Way Southampton Road	S13.0373	1	Remainder	Southern Wiltshire	South
Shrewton Steam Laundries Ltd, High Street	S13.0406	3	Remainder	Amesbury	South
12 Kelsey Road	S13.0466	3	Salisbury	Salisbury	South
22 and 22A Winchester Street	S13.0483	4	Salisbury	Salisbury	South
Rosebank Common Road	S13.0631	1	Remainder	Southern Wiltshire	South
Lower House The Street	S13.1079	3	Remainder	Southern Wiltshire	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Land Adjacent to Birch Cottage Witt Road	S13.1139	1	Remainder	Southern Wiltshire	South
Village Hall, Romsey Road	S13.1239	2	Remainder	Southern Wiltshire	South
Queen Manor Tidworth Road Boscombe	S13.1397	1	Remainder	Amesbury	South
Woodminton Farmhouse	S13.1782	1	Remainder	Wilton	South
Hazeldene Mill Lane Middle Winterslow	S13.1931	1	Remainder	Southern Wiltshire	South
Land between Barrowby House and Tuckingfold Hindon Lane	S13.2205	1	Tisbury	Tisbury	South
The Hedges West, Church Lane	S13.2237	1	Amesbury, Bulford & Durrington	Amesbury	South
Ryme Gutch Common	S13.2706	1	Remainder	Mere	South
37/38 Hindon lane	S13.3456	-1	Remainder	Tisbury	South
Drove Farm Cottage East Grimstead	S13.3752	-1	Remainder	Southern Wiltshire	South
Landford Manor, Stock Lane	S13.4114	1	Remainder	Southern Wiltshire	South
Site to the rear of Wyoming Woodlands Road	S13.4241	1	Mere	Mere	South
Clifton Cottage Moor Hill	S13.4564	1	Remainder	Tisbury	South
The Old Inn The Ridge Woodfalls	S13.4652	1	Remainder	Southern Wiltshire	South
Bathcroft House, Morgans Vale Road	S13.5216	6	Remainder	Southern Wiltshire	South
The Warrens Rectory Road Alderbury Salisbury SP5 3AD	S13.5341	1	Remainder	Southern Wiltshire	South
Land off Hindon Lane	S13.5344	7	Tisbury	Tisbury	South
The Bungalow Shute End Alderbury	S13.5429	1	Remainder	Southern Wiltshire	South
Vacant land between The Bungalow and Sandridge Meads Road Durrington Salisbury Wiltshire SP4 8BE	S13.5432	2	Remainder	Amesbury	South
Dean House Romsey Road Whiteparish Salisbury SP5 2SD	S13.5498	1	Remainder	Southern Wiltshire	South
Lunefield Pettridge Lane	S13.5524	1	Mere	Mere	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Over The Hill Berwick St James	S13.5786	0	Remainder	Amesbury	South
63 - 65 Fisherton Street Salisbury Wiltshire SP2 7SU	S13.6221	2	Salisbury	Salisbury	South
Ebbleside, West End	S13.6410	1	Remainder	Wilton	South
Barford House Mount Lane Barford St. Martin Salisbury SP3 4AG	S13.6567	1	Remainder	Wilton	South
Swanson, Idmiston Road, Porton	S13.6824	0	Remainder	Amesbury	South
Hérons Mead Church Lane Fovant Salisbury Wiltshire SP3 5LA	S14.0045	0	Remainder	Tisbury	South
Dean House Romsey Road	S13.5498	1	Remainder	Southern Wiltshire	South
Swanson Idmiston Road	S13.6824	0	Remainder	Amesbury	South
Long Close Barn	S13.0155	1	Downton	Southern Wiltshire	South
Bathcraft House Morgans Vale Road	S13.5216	6	Remainder	Southern Wiltshire	South
The Red House, Middleton	S13.0095	1	Remainder	Southern Wiltshire	South
Ebbleside West End	S13.6410	0	Remainder	Wilton	South
Hérons Mead Church Lane	S14.0045	0	Remainder	Tisbury	South
North Down Farm	S13.6784	0	Remainder	Tisbury	South
63 65 Fisherton Street	S13.6221	2	Salisbury	Salisbury	South
The Warrens Rectory Road	S13.5341	1	Remainder	Southern Wiltshire	South
Vacant land between The Bungalow and Sandridge Meads Road	S13.5432	2	Amesbury, Bulford & Durrington	Amesbury	South
Barford House Mount Lane	S13.6567	1	Remainder	Wilton	South
22 and 22A Winchester Street,	S13.0483	4	Salisbury	Salisbury	South
65 Milford Street	S13.4491	1	Salisbury	Salisbury	South
2a & 4 Earls Court Road	S13.4963	3	Amesbury, Bulford & Durrington	Amesbury	South
Land adjacent to Swaynes Mead	S14.0643	1	Remainder	Amesbury	South
The White Hart 1 Dean Lane	S13.2520	1	Remainder	Southern Wiltshire	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
Manor Farm Pitton	S13.7276	1	Remainder	Southern Wiltshire	South
Sallys Garden Livery Road	S14.1004	0	Remainder	Southern Wiltshire	South
Oysters Farmhouse	S14.0458	0	Remainder	Mere	South
Templemans Barn Langford Lane	S13.5586	1	Remainder	Southern Wiltshire	South
Loder House, 16 Endless Street	S12.0762	1	Salisbury	Salisbury	South
42-46 Salt Lane	S12.1136	3	Salisbury	Salisbury	South
St Patricks House Porton Road	S13.0022	2	Amesbury, Bulford & Durrington	Amesbury	South
Holmhurst Downton Road	S13.1405	9	Salisbury	Salisbury	South
Nett Wood Farm, Nett Road	S01.0540	0	Remainder	Amesbury	South
Village Hall, Romsey Road	S10.0585	0	Remainder	Southern Wiltshire	South
Woodside, The Street	S10.1149	0	Remainder	Southern Wiltshire	South
Dell Cottage, Edgebridge	S10.1760	1	Mere	Mere	South
Dyers Mead, Huggers Hole	S11.1018	1	Remainder	Mere	South
Land adj to 1 Old Hollow	S12.0656	1	Mere	Mere	South
Out Of The Way Southampton Road	S12.1170	3	Remainder	Southern Wiltshire	South
Out Of The Way Southampton Road	S12.1170	0	Remainder	Southern Wiltshire	South
Nursery House Andrew Close	S12.1171	3	Amesbury, Bulford & Durrington	Amesbury	South
2A Earls Court Road	S12.1290	0	Amesbury, Bulford & Durrington	Amesbury	South
43 Water Ditchampton	S12.1452	1	Wilton	Wilton	South
17 Holders Road	S13.0194	2	Amesbury, Bulford & Durrington	Amesbury	South
Rapiers Rest Romsey Road	S13.0335	1	Remainder	Southern Wiltshire	South
Manor Farm Ebbesbourne Hollow	S13.2690	1	Remainder	Wilton	South
Horsehills	S99.1076	0	Remainder	Tisbury	South
39 Coldharbour Lane	S12.0568	5	Salisbury	Salisbury	South
1-5 First Floor Offices The Arcade	S13.4605	5	Amesbury, Bulford & Durrington	Amesbury	South
37 Endless Street	S13.1325	1	Salisbury	Salisbury	South
Commercial Building West Dean Road	S13.1244	1	Remainder	Southern Wiltshire	South

Site Address	Application Number	Dwellings outstanding at April 2014	Town	CA	HMA
14 Minster Street	S13.1221	2	Salisbury	Salisbury	South
Moulden View, Moredon Bridge, Purton Road	N13.1427	6	Swindon	Royal Wootton Bassett & Cricklade	Swindon

### Appendix 3: Detailed assessment of large sites contributing to the deliverable supply

Site Address	Site ref	Suitability			Availability			Achievability					Is it therefore deliverable?		
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?		Is there interest in bringing this site forward?	Is it achievable?
<b>East Wiltshire HMA</b>															
Former Builders Yard, Park Road	E10.1104	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	10 dpa	5 dpa	Yes	Yes	Yes
Land between High Street and Broomcroft Road	E10.1365	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	46 dpa	20 dpa	Yes	Yes	Yes
25 North Street	E11.1127	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	10 dpa	10 dpa	Yes	Yes	Yes
Gaiger Bros Ltd Yard, Northgate Street	E11.1629	Permitted	None known	Yes	Yes	No - site is in a continuing use, however the users are the developers	None known	Yes	Not for the development of 4 homes	Yes	12 dpa	4 dpa	Yes	Yes	Yes
The Pooles Yard High Street	E11.1708	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	15 dpa	15 dpa	Yes	Yes	Yes
The former Jam Factory Kings Road	E12.0077	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	32 dpa	26 dpa	Yes	Yes	Yes
Bureau West, Horton Road	E12.0268	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	0 dpa	No	No	No

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10 The Green	E12.1157	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	11 dpa	3 dpa	Yes	Yes	Yes
Riverbourne Fields	E12.1447	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	92 dpa	Yes	Yes	Yes
Land Adjacent to Swan Meadow	E12.1536	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	10 dpa	10 dpa	Yes	Yes	Yes
Land at Zouch Manor	E13.0397	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	48 dpa	35 dpa	Yes	Yes	Yes
Bureau West (Redrow development site) Horton Road	E11.0556	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	43 dpa	80 dpa	Yes	Yes	Yes
Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road)	E09.1078	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	75 dpa	Yes	Yes	Yes

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Land east of Quakers Walk, off London Road	E11.1139	Permitted	None known	Yes	Yes	None known	None known	Yes	Yes, current scheme considered unviable and not being progressed	N/A	60 dpa	0 dpa	Not presently	No	No
Land at Zouch Manor	E12.0361	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	48 dpa	0 dpa	Yes	Yes	Yes
Marlborough Depot site Salisbury Road	K.57714	Permitted	None known	Yes	Yes	None known	None known	Yes	Unknown	N/A	29 dpa	0 dpa	Not presently	No	No
Land at Bureau West, Horton Road, Devizes	K.58682	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	No intention to develop	68 dpa	0 dpa	No	No	No
Land adjacent to Deans Close and fields to south opposite Tedworth House	K.59795	Permitted	None known	Yes	Yes	None known	None known	No	Unknown	N/A	132 dpa	0 dpa	No	No	No
Lay Wood	E13.1243	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	85 dpa	80 dpa	Yes	Yes	Yes



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Land East of High Street	E13.6529	Resolution to permit	None known	Yes	Yes	None known	None known	Yes	None known	Yes	37 dpa	25 dpa	No development interest at present	Yes	Yes
Drummond Park	WCS/E2	Resolution to permit	None known	Yes	Yes	Site is being sold.	None known	Yes	None known	Yes	132 dpa	50 dpa	Yes	Yes	Yes
The North Gate/Wharf/Devizes Hospital	1/LPA/32	Allocated	None known	Yes	Yes	None known	None known	Yes	None known	Yes	57dpa	0 dpa	Yes	Yes	Yes
Garden Centre, Granby Gardens	1/LPA/36	Allocated	None known	Yes	Yes	Yes. Currently occupied	None known	Yes	None known	Yes	69 dpa	52 dpa	Yes	Yes	Yes
Salisbury Road	WCS/E3	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	73 dpa	60 dpa	Yes	Yes	Yes
<b>North and West Wiltshire HMA</b>															
Cowbridge Mill	N07.0975	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	57 dpa	13 dpa	Yes	Yes	Yes

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Rudloe Manor, Box Hill	N08.0986	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Part owned by developer with capacity to build	12 dpa	9 dpa	Yes	Yes	Yes
Rudloe Manor, Box Hill	N08.0986	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Part owned by developer with capacity to build	12 dpa	9 dpa	Yes	Yes	Yes
Brook Farm	N09.0096	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	No developer identified at present	29 dpa	15 dpa	Yes	Yes	Yes
10 & Rear of 12,14,16 Lickhill Road, Calne	N09.1907	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	11 dpa	3 dpa	Yes	Yes	Yes
St Ivel Factory Site, Station Road	N10.1902	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	108 dpa	Yes	Yes	Yes

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Land at Brynards Hill, Bincknoll lane	N10.2399	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	38 dpa	Yes	Yes	Yes
Land at Brynard's Hill, Bincknoll Lane	N10.3055	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	38 dpa	Yes	Yes	Yes
Royal Arthur Park, Westwells Road	N10.4093	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	65 dpa	60 dpa	Yes	Yes	Yes
The Flamingo Club, Westwells Road, Hawthorn, Corsham	N10.4174	Permitted	None known	Yes	Yes	None known	None known	Yes	Yes, development has not come forward owing to viability concerns	No developer identified at present	13 dpa	0 dpa	No	No	No
Westinghouse Recreation Ground, Park Avenue	N11.0134	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	42 dpa	44 dpa	Yes	Yes	Yes
Land off Sandpit Road	N11.3060	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	20 dpa	Yes	Yes	Yes

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Hangars 18 and 20	N11.3148	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	29 dpa	0 dpa	No development interest at present	No	No
Land at Station Road	N11.3934	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	48 dpa	50 dpa	Yes	Yes	Yes
Former Beaufort Brewery, St Ivel, Station Road	N11.3978	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	14 dpa	14 dpa	Yes	Yes	Yes
Land Off Sandpit Road	N11.4119	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	20 dpa	Yes	Yes	Yes
Box Wharf	N12.0222	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	21 dpa	4 dpa	Yes	Yes	Yes
Rylands Sports Field, Stoneover Lane	N12.0551	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	48 dpa	26 dpa	Yes	Yes	Yes
Stanton St Quintin Garage, Lower Stanton St Quintin	N12.0895	Permitted	None known	Yes	Yes	None known	None known	Yes	Yes, considered unviable	No developer identified at present	12 dpa	0 dpa	Unknown - assume not	No	No

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East Cottage, Burton Hill	N12.1425	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	11 dpa	11 dpa	Yes	Yes	Yes
Former Hygrade Factory Site, Westmead Lane	N12.1714	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	47 dpa	58 dpa	Yes	Yes	Yes
Spring Tynings, Beechfield Road	N12.1866	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	16 dpa	17 dpa	Yes	Yes	Yes
Former Bath & Portland Stoneworks, Westwells	N12.2106	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	35 dpa	8 dpa	Yes	Yes	Yes
Former St Ivel Site, Station Road	N12.3386	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	108 dpa	Yes	Yes	Yes
Land off Stanier Road	N12.3740	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	29 dpa	34 dpa	Yes	Yes	Yes
Gerard Buxton Sports Ground, Rylands Way	N12.3941	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	58 dpa	52 dpa	Yes	Yes	Yes
Brynards Hill Phase 3, Bincknoll Lane	N12.4026	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	38 dpa	Yes	Yes	Yes

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Marden Farm Cottages	N12.4038	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	54 dpa	40 dpa	Yes	Yes	Yes
Faccenda Chicken Factory, High Street	N12.4072	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	51 dpa	35 dpa	Yes	Yes	Yes
Land adjacent to Rowden Lane	N12.4160	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	39 dpa	Yes	Yes	Yes
Hazelwood Farm, Seagry Road	N13.0011	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	18 spa	11 dpa	Yes	Yes	Yes
Field Adjacent Old Inn, Upper Minety, Malmesbury, Wiltshire,	N13.0054	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Unknown if a developer has any interest	10 dpa	10 dpa	Yes	Yes	Yes
Town Close, Kington St Michael, Chippenham, Wiltshire	N13.0235	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	15 dpa	11 dpa	Yes	Yes	Yes
Former St Ivel Site, Station Road	N13.0261	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	108 dpa	Yes	Yes	Yes

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Hanger 19, Colerne Industrial Park	N13.1567	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	23 dpa	0 dpa	No development interest at present	No	No
Hunters Moon	N13.1747	Resolution to permit	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	104 dpa	Yes	Yes	Yes
Old Glove Factory	N13.2173	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Unknown if a developer has any interest	10 dpa	10 dpa	Yes	Yes	Yes
Land South of Cloatley Crescent	N13.5400	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	40 dpa	48 dpa	Yes	Yes	Yes
Trowbridge Rugby Football Club	W05.0821	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	46 dpa	40 dpa	Yes	Yes	Yes
Kingston Mills, Kingston Road	W06.2394	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	64 dpa	1 dpa	Yes	Yes	Yes
Stones Garage, St Margarets Street	W08.0196	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	13 dpa	3 dpa	Yes	Yes	Yes

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Land at Southview Farm	W08.0896	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	30 dpa	Yes	Yes	Yes
Land North East of Snowberry Lane	W09.0579	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	65 dpa	Yes	Yes	Yes
Terry's Social Club, Hill Street	W09.2934	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	16 dpa	16 dpa	No	No	No
Land At Gibbs Close	W10.1810	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	10 dpa	5 dpa	Yes	Yes	Yes
Warminster United Services Club 36 Imber Road	W10.2407	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	12 dpa	12 dpa	Yes	Yes	Yes
Westbury North Junction Station Road	W10.2479	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	48 dpa	40 dpa	Yes	Yes	Yes
Unit 9 Yeoman Way	W10.2547	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	38 dpa	14 dpa	Yes	Yes	Yes
Land at Slag Lane and Hawkeridge Road	W10.3406	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	53 dpa	35 dpa	Yes	Yes	Yes
Land North East of Snowberry Lane	W10.3422	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	65 dpa	Yes	Yes	Yes



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Land south of Sandridge Road, northeast to Sandridge Hill	W10.4033	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	46 dpa	16 dpa	Yes	Yes	Yes
Castlemead	W11.0466	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
36 Victoria Road	W11.1363	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	16 dpa	12 dpa	Yes	Yes	Yes
Church Farm Church Street	W11.1373	Permitted	None known	Yes	Yes	None known	None known	Yes	Yes, considered unviable	No developer identified at present	17 dpa	0 dpa	No	No	No
4-8 Church Street, rear of Edward Street	W11.1739	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	11 dpa	7 dpa	Yes	Yes	Yes
Land North East of Green Lane Farm, Green Lane (The Pastures)	W11.1932	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	66 dpa	86 dpa	Yes	Yes	Yes
Former Bottling Plant Ushers Brewery Conigre	W11.2656	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	53 dpa	17 dpa	Yes	Yes	Yes

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Land North East of Snowberry Lane	W11.3229	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	65 dpa	Yes	Yes	Yes
Land Rear Of 16 Holbrook Lane	W12.0105	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	No developer identified at present	17 dpa	12 dpa	Yes	Yes	Yes
Land East Of Kennet Gardens	W12.0797	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	10 dpa	7 dpa	Yes	Yes	Yes
Castlemead	W12.1477	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
Land at Court Street	W13.0014	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	51 dpa	24 dpa	Yes	Yes	Yes
Forest and Sandridge CoE School	W13.0524	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	12 dpa	6 dpa	Yes	Yes	Yes
Castlemead	W13.1880	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
Adcroft Villa 1a Adcroft Drive	W13.3058	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	No developer identified at present	10 dpa	9 dpa	Yes	Yes	Yes

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Castlemead	W13.5104	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
The Beckford Centre, 6 Gipsy Lane	W11.2381	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	43 dpa	82 dpa	Yes	Yes	Yes
Windmill House Common Hill	N13.2601	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	No developer identified at present	10 dpa	0 dpa	No development interest at present	No	No
Former St Ivel Site, Station Road	N07.2168	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	108 dpa	Yes	Yes	Yes
Land off Oxford Road	N11.3524	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	80 dpa	Yes	Yes	Yes
Land off Silver Street and White Horse Way	N11.3628	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	59 dpa	50 dpa	Yes	Yes	Yes

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Land at Copenacre, Bath Road	N12.0836	Permitted	None known	Yes	Yes	None known	None known	Yes	Unclear due to promoters of care home element	Unknown	48 dpa	0 dpa	Yes - for residential element	Currently unknown	No
Castlemead	W04.2105	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
George Ward School, Shurnhold	W11.2312	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	120 dpa	50 dpa	Yes	Yes	Yes
Land East Of Damask Way Smallbrook Lane	W12.0687	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	21 dpa	20 dpa	Yes	Yes	Yes
Land at The Mead	W13.3568	Permitted	None known	Yes	Yes	Site is being sold.	None known	Yes	None known	No developer identified at present	65 dpa	45 dpa	Yes	Yes	Yes
Filands	N11.4126	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	72 dpa	70 dpa	Yes	Yes	Yes
Land South of Bradford Road	N13.5724	Resolution to permit	None known	Yes	Yes	None known	None known	Yes	None known	Yes	47 dpa	30 dpa	Yes	Yes	Yes

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Goldenly Care Home	N13.3489	Permitted	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	37 dpa	0 dpa	No development interest at present	No	No
AB Carter Haulage Contractors, 14 Happy Land	2/LPA/11	Allocated	None known	Yes	Yes	Yes. Currently occupied	None known	No	None known	No developer identified at present	11 dpa	6 dpa	Yes	Yes	No
Quemerford House & Mill	2/LPA/14	Allocated	None known	Yes	Yes	None known	None known	Yes	None known	Yes	27 dpa	10 dpa	Yes	Yes	Yes
Works, Cocklebury Road	2/LPA/17	Allocated	None known	Yes	Yes	Yes. Currently occupied	None known	No	None known	No developer identified at present	49 dpa	14 dpa	Yes	Yes	No
Foundary Lane	2/LPA/18	Allocated	None known	Yes	Yes	No, although much of the site is in continuing use many parts are not	None known	Yes	None known	Yes	132 dpa	50 dpa	Yes	Yes	Yes

Site Address	Site ref	Suitability			Availability			Achievability						Is it therefore deliverable?	
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?	Is there interest in bringing this site forward?		Is it achievable?
Court Street	5/LPA/21	Allocated	None known	Yes	Yes	None known	None known	Yes	None known	Yes	51 dpa	24 dpa	No	No	No
Cedar Grove	5/LPA/43	Allocated	None known	Yes	Yes	None known	None known	Yes	None known	Unknown if a developer has any interest	15 dpa	0 dpa	No	No	No
Land off Oldfield Road	5/LPA/49	Allocated	None known	Yes	Yes	No, part of the site in continuing use but the users are involved in the redevelopment	None known	Yes	None known	Yes	29 dpa	2 dpa	Yes	Yes	Yes
Station Road	5/LPA/59	Allocated	None known	Yes	Yes	None known	None known	Yes	None known	Unknown if a developer has any interest	15 dpa	0 dpa	No	No	No

Site Address	Site ref	Suitability			Availability			Achievability					Is it therefore deliverable?		
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?		Is there interest in bringing this site forward?	Is it achievable?
Land adjacent to Westbury Hospital	5/LPA/64	Allocated	None known	Yes	Yes	None known	None known	Yes	None known	No developer identified at present	22 dpa	30 dpa	Yes	Yes	Yes
Burton Hill NP allocation	Sites 6, 10 & 11	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	39 dpa	30 dpa	Yes	Yes	Yes
Backbridge Farm NP allocation	Sites 3a & 15	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	64 dpa	50 dpa	Yes	Yes	Yes
Kingston Farm and Moulton Estate	WCS/NW 1	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	Viability negotiations are ongoing, but the site has been proved to be viable in numerous viability assessments	Yes	57 dpa	50 dpa	Yes	Yes	Yes
Landers Field	WCS/NW10	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	No developer identified at present	57 dpa	50 dpa	Yes	Yes	Yes

Site Address	Site ref	Suitability			Availability			Achievability						Is it therefore deliverable?	
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?	Is there interest in bringing this site forward?		Is it achievable?
North Chippenham	WCS/NW 2	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	125 dpa	Yes	Yes	Yes
Rawlings Green	WCS/NW 3	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	85 dpa	Yes	Yes	Yes
Patterdown and Rowden	WCS/NW 5	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	150 dpa	Yes	Yes	Yes
South East Trowbridge	WCS/NW 6	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	250 dpa	Yes	Yes	Yes
West of Warminster	WCS/NW 7	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	145 dpa	Yes	Yes	Yes
Station Road	WCS/NW 9	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
<b>South Wiltshire HMA</b>															
Area 2, Castle View, Old Sarum	S07.1485	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	0 dpa	No	No	No
Land North, West and South of Bishopdown Farm	S09.1943	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	85 dpa	Yes	Yes	Yes
Former Pembroke Park School, Penruddock Close	S10.0173	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	50 dpa	23 dpa	Yes	Yes	Yes



Site Address	Site ref	Suitability			Availability			Achievability						Is it therefore deliverable?	
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?	Is there interest in bringing this site forward?		Is it achievable?
Old Rampart filling station. Junction of Devizes Road & Wilton Road	S10.1109	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Unknown if a developer has any interest	14 dpa	0 dpa	Yes	Yes	Yes
74A-76 Castle Road	S10.1265	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	11 dpa	11 dpa	Yes	Yes	Yes
Land off Hindon Lane	S11.0322	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	46 dpa	33 dpa	Yes	Yes	Yes
Former Highbury and Fisherton Manor School Sites	S12.1282	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	47 dpa	24 dpa	Yes	Yes	Yes
37 39 High Street	S12.1491	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	13 dpa	10 dpa	Yes	Yes	Yes
44, 46, 48, 50 Bedwin Street	S12.1654	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	14 dpa	11 dpa	Yes	Yes	Yes
MOD Playing Fields, Old Sarum	S12.1679	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	17 dpa	Yes	Yes	Yes
Local Centre, Old Sarum	S12.1829	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	14 dpa	Yes	Yes	Yes

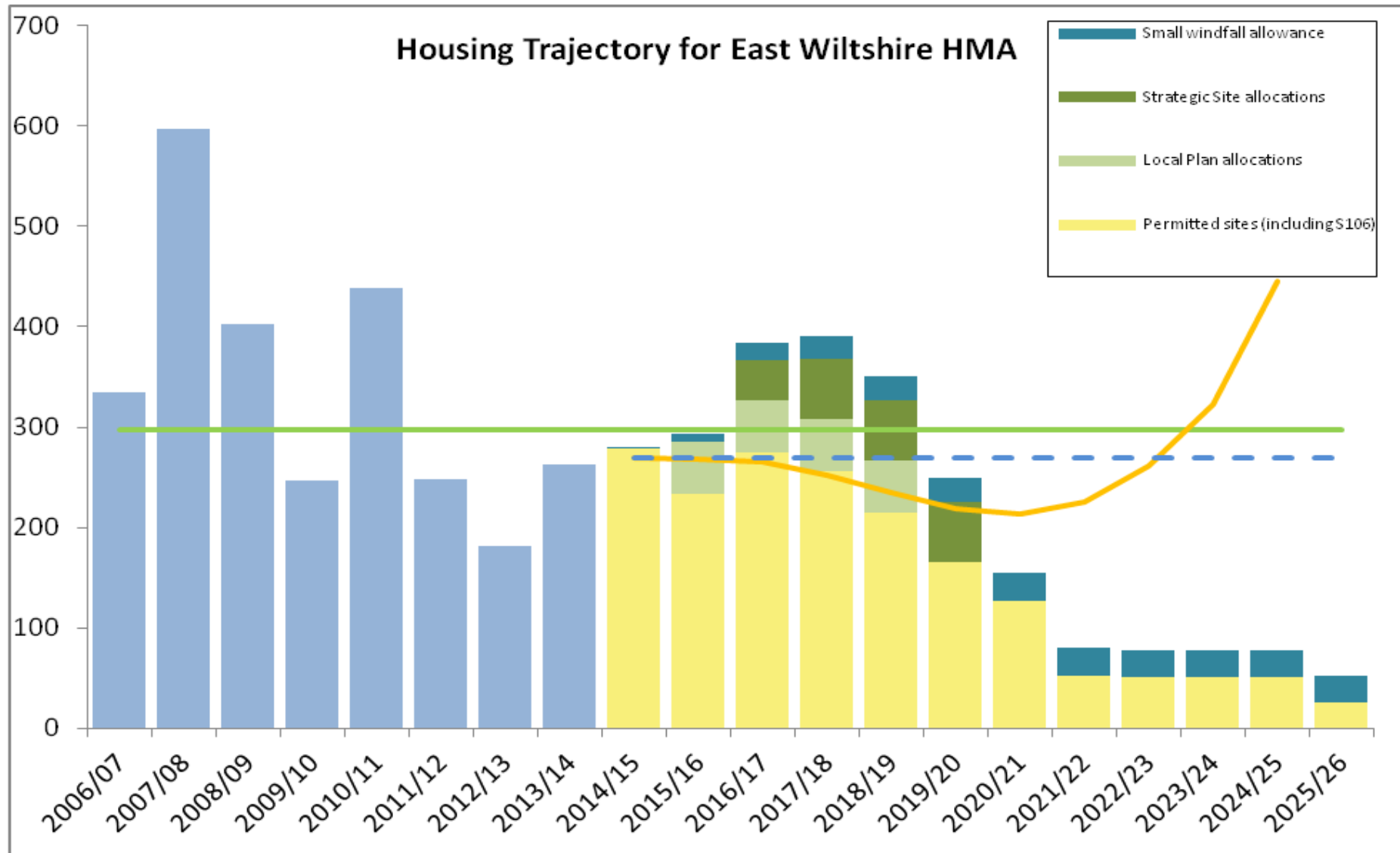
Site Address	Site ref	Suitability			Availability			Achievability						Is it therefore deliverable?	
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?	Is there interest in bringing this site forward?		Is it achievable?
Area 10, Old Sarum	S12.1834	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	26 dpa	Yes	Yes	Yes
Land adjacent to The Portway, Ramsbury Drive	S12.0521	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	53 dpa	120 dpa	Yes	Yes	Yes
8 Old Castle Road	S12.0893	Permitted	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	15 dpa	0 dpa	No development interest at present	No	No
Bramley House, Castle Street	S12.0247	Permitted	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	10 dpa	0 dpa	No development interest at present	No	No
Milford House Nursing Home	S13.3515	Permitted	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	12 dpa	0 dpa	No development interest at present	No	No
Former National Cooperative Store, 23-29 Salisbury Street	S13.0422	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	29 dpa	33 dpa	Yes	Yes	Yes

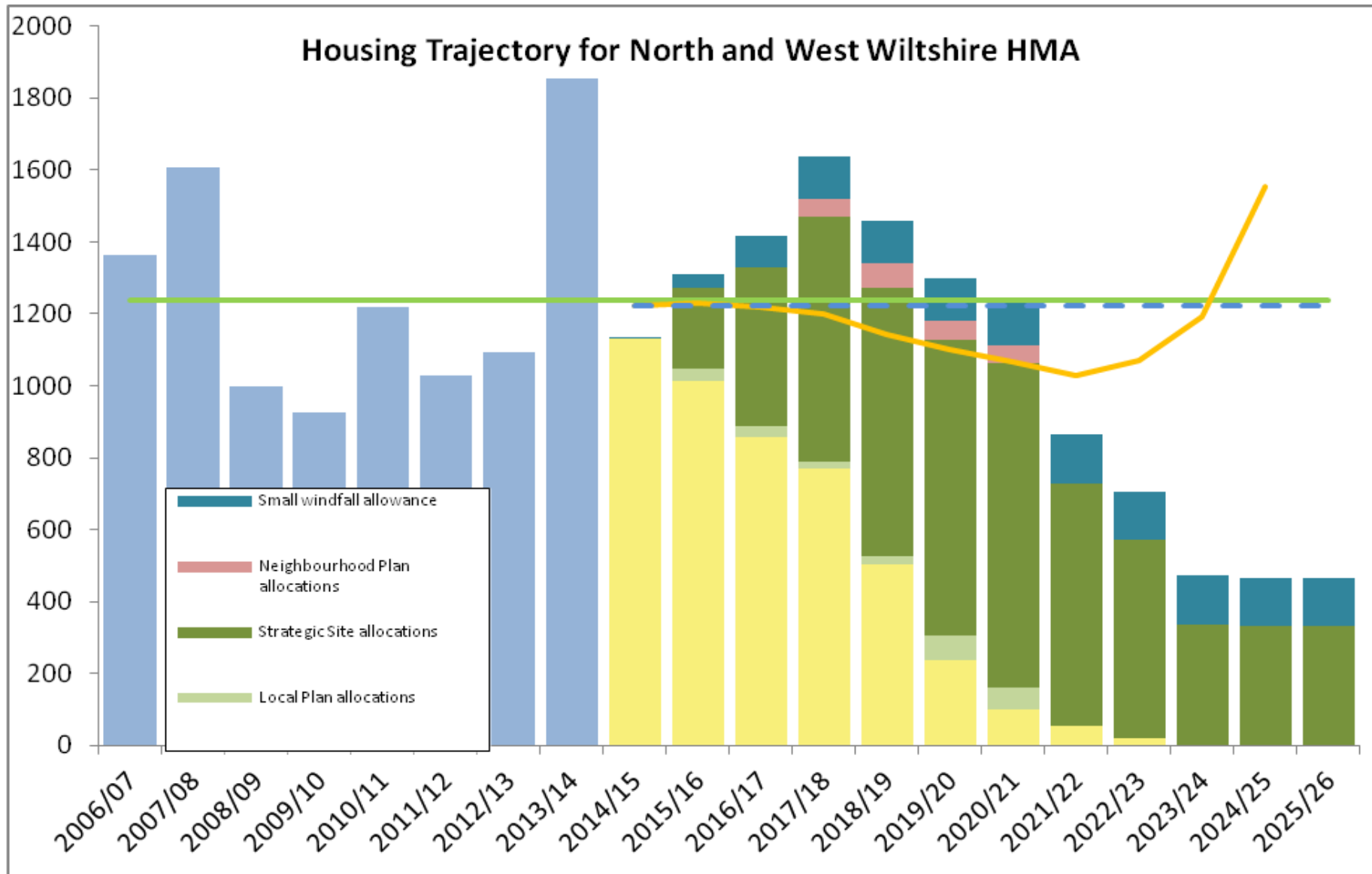
Site Address	Site ref	Suitability			Availability			Achievability						Is it therefore deliverable?	
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?	Is there interest in bringing this site forward?		Is it achievable?
MOD Playing Fields, Old Sarum	S05.0619	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	0 dpa	Yes	Yes	Yes
Land between Netheravon Road and High Street	S06.1698	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	60 dpa	0 dpa	Yes	Yes	Yes
Land off Hindon Lane	S08.0779	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	46 dpa	0 dpa	Yes	Yes	Yes
Land adjacent to 15 Butterfield Drive	S10.1131	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Unknown	10 dpa	0 dpa	Not presently	No	No
Erskine Barracks	S11.0517	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	100 dpa	Yes	Yes	Yes
The Old Dairy, London Road	S11.1135	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	14 dpa	0 dpa	Yes	Yes	Yes
Land immediately to the south and west of, Archers Gate	S12.0497	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	150 dpa	Yes	Yes	Yes
Old Manor Hospital	3/LPA/11	Allocated	None known	Yes	Yes	Yes. Currently being marketed	None known	No	None known	No developer identified at present	43 dpa	0 dpa	No	No	No

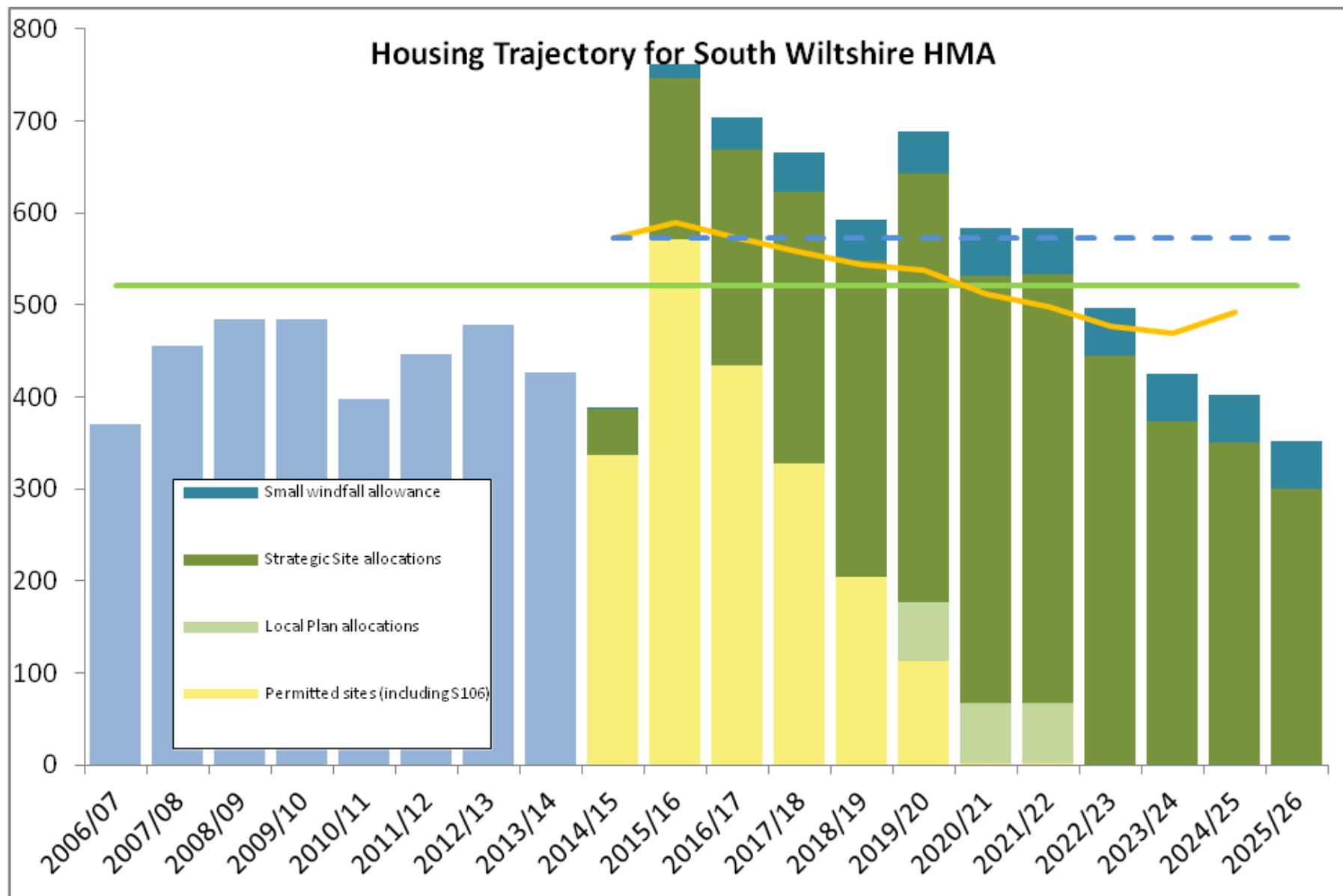
Site Address	Site ref	Suitability			Availability			Achievability					Is it therefore deliverable?		
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?		Is there interest in bringing this site forward?	Is it achievable?
Bulbridge	3/LPA/36	Allocated	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	38 dpa	0 dpa	No development interest at present	No	No
RAF Baverstock	3/LPA/38	Allocated	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	29 dpa	0 dpa	No development interest at present	No	No
Odstock Hospital	3/LPA/41	Allocated	None known	Yes	Yes	None known	None known	Un-known	None known	No developer identified at present	38 dpa	0 dpa	No development interest at present	No	No
Kings Gate	WCS/S1	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	150 dpa	Yes	Yes	Yes
Longhedge (Old Sarum)	WCS/S2	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	75 dpa	Yes	Yes	Yes
Fugglestone Red	WCS/S3	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	120 dpa	Yes	Yes	Yes

Site Address	Site ref	Suitability			Availability			Achievability					Is it therefore deliverable?		
		Planning status	Have circumstances arisen that may have impacted suitability?	Is the site consistent with policy?	Is it suitable?	Are there legal or ownership constraints?	Does this site have a record of non-implementation?	Is it available?	Are there viability constraints?	Does the developer have capacity to build this site?	What is the average development rate of similar sites?	What is the maximum development rate identified in the specific housing trajectory?		Is there interest in bringing this site forward?	Is it achievable?
Churchfields & Engine Sheds	WCS/S4	Proposed allocation	None known	Yes	Yes	Yes. Currently occupied	N/A	No	None known	No developer identified at present	132 dpa	150 dpa	No development interest at present	No	No
Central Car Park	WCS/S5	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	65 dpa	40 dpa	Yes	Yes	Yes
Hampton Park	WCS/S6	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	0 dpa	Yes	Yes	Yes
UKLF	WCS/S7	Proposed allocation	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	0 dpa	Yes	Yes	Yes
<b>Swindon (within Wiltshire)</b>															
Moulden View, Moredon Bridge, Purton Road	N09.2020	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	68 dpa	24 dpa	Yes	Yes	Yes
RIDGEWAY FARM, COMMON PLATT, LYDIARD MILLICENT	N13.1615	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	70 dpa	Yes	Yes	Yes
RIDGEWAY FARM, COMMON PLATT	N10.4575	Permitted	None known	Yes	Yes	None known	None known	Yes	None known	Yes	132 dpa	70 dpa	Yes	Yes	Yes

**Appendix 4: Trajectory graphs for Wiltshire Housing Market Areas**











## **Appendix 5 - Windfall allowance for land supply calculations**

A1. The NPPF (paragraph 48) identifies that an allowance for windfall may be made where appropriate. It states:

*“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.”*

A2. For clarification, the NPPF defines windfall development as:

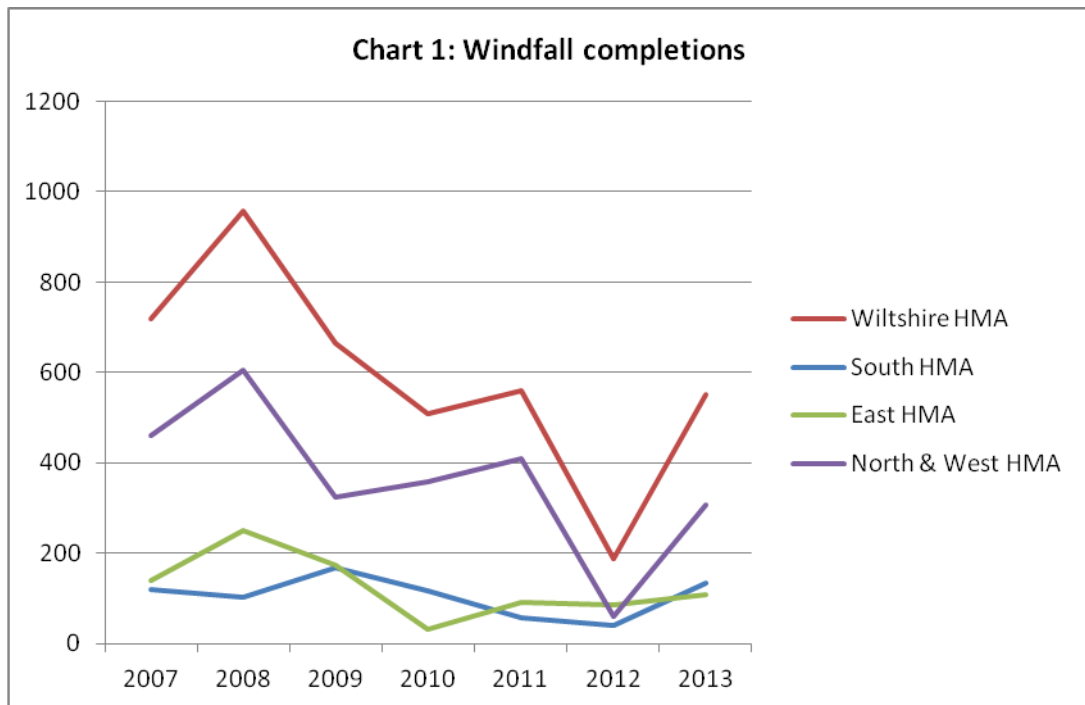
*“Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.”*

A3. For the purposes of this assessment, windfall is defined to be unallocated development on previously developed land. This is a conservative approach, as greenfield development (other than in gardens) can also be counted as windfall.

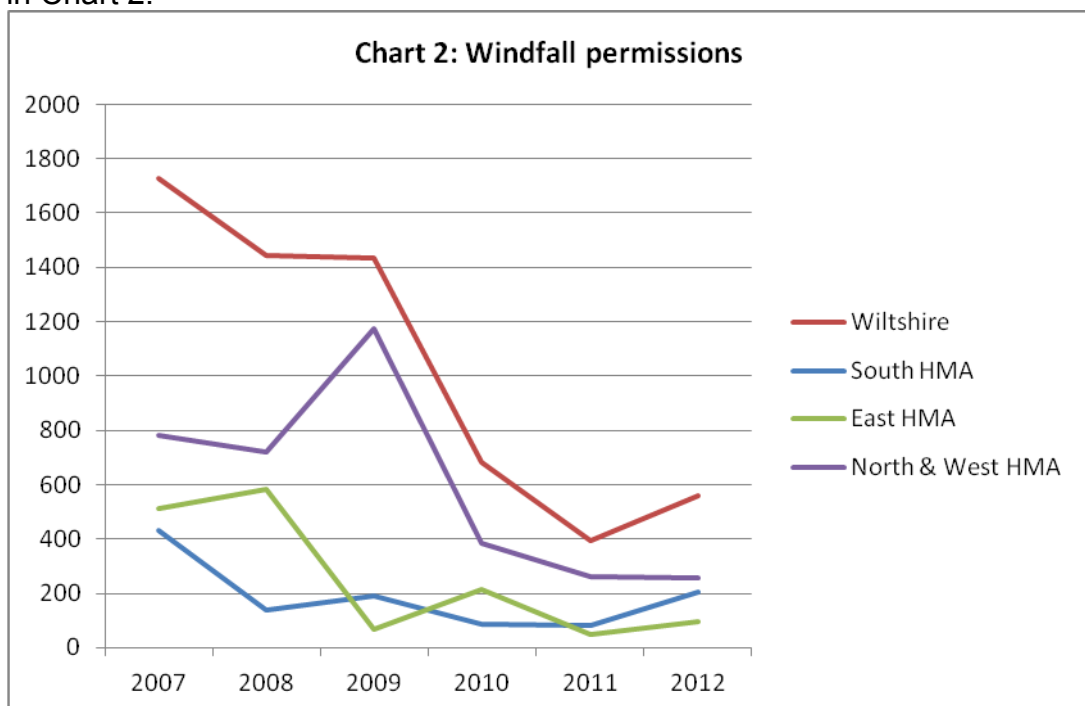
A4. This appendix determines an appropriate windfall allowance for the Housing Market Areas (HMAs) within Wiltshire. It analyses the trend of windfall permissions over the recent past in order to determine whether there is consistent delivery from this source of supply. It then goes on to examine the potential supply from future windfall sites.

### **Historic windfall trends**

A5. Windfall has contributed to supply in Wiltshire historically, accounting for some 30% of delivery from 2006 to 2013. The rate at which windfall development has come forward is presented in Chart 1.



A6. Similarly the number of new windfall permissions<sup>3</sup> granted is presented in Chart 2.



A7. From analysis of this data, it is evident that the number of completions on windfall sites has seen a decrease across the period to 2012. Given

<sup>3</sup> A large number of permissions in Wiltshire take the form of renewals, amendments or reserved matters on existing permissions. In order that a permission of a single site is not double-counted as a result of multiple applications, only the first application is included. However, if a subsequent permission increases the capacity, the net increase will be included from this new permission.

the economic climate during this period this would be expected. However, the number of windfall completions had increased in 2013 and since this time the economy has picked up with housing completions in 2013/14 reaching their highest since the boom year of 2007/08 in Wiltshire. The number of windfall completions in 2013/14 has not yet been calculated but it is likely that these will be significantly higher than in recent years as a result of the increased rate of delivery.

- A8. Similarly, when looking at the number of new windfall sites that have achieved permission, there had been a decrease to 2011 with the early signs of recovery since. The economy will have been a contributing factor, but the extent of this is unknown. While the capacity of previously developed land maybe decreasing, there is no substantive evidence that this will limit the supply of windfall development, especially given the recent change to permitted development rights<sup>4</sup>. Indeed, the SHLAA identifies outstanding capacity on large<sup>5</sup> deliverable unpermitted windfall sites (364 in Wiltshire), and so this is not considered to be the case.

#### **Method for identifying an allowance for future windfall delivery**

- A9. In this context, with decreased numbers of windfall permissions being achieved, it is considered reasonable (and robust) to estimate the capacity of future windfall sites by considering the reduced number of permissions across the recessionary period (2009-12) as well as an allowance for known windfall capacity.

- A10. The windfall allowance will therefore comprise:

- Large deliverable windfall sites (more than 5 dwellings) identified within the SHLAA
- A conservative allowance for small windfall delivery (5 or less dwellings).

The allowance from such sites will be analysed and discussed below.

- A11. In order to be comprehensive a number of methods for identifying a windfall allowance are set out in Table A7 and used to validate the windfall allowance used in the land supply assessment, clarifying that it should be seen as a minimum.

#### **Large windfall sites for 2013-18**

- A12. The delivery of large windfall sites that are not currently included in the housing land supply statement (i.e. those that are permitted or allocated), can be estimated from the capacity of such deliverable previously developed sites identified within the Wiltshire SHLAA (within settlement boundaries<sup>6</sup>).

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<sup>4</sup> Amendments to permitted development rights introduced in 2013 enable the change of use from B1 office use to C3 residential use, subject to prior approval from the Local Planning Authority.

<sup>5</sup> The SHLAA includes sites of more than 5 dwellings only.

<sup>6</sup> This is again conservative as windfall may occur outside of settlement boundaries.

A13. Whilst the SHLAA aims to be comprehensive, a number of sites that are not identified in this assessment inevitably come forward. By way of example, from April 2013 to March 2014, 144 dwellings were permitted on large windfall sites across Wiltshire that were not identified in the SHLAA. If this was to continue across a five year period this would equate to in excess of 720 dwellings permitted. The allowance for large windfall sites estimated using only SHLAA sites (of 364 dwellings) is therefore conservative even with a significant allowance for non-delivery within the five year period.

A14. On the other hand, it should not be assumed that all deliverable sites identified within the SHLAA will be delivered.

A15. In order to balance these competing delivery assumptions, it is reasonable to assume that the capacity of identified deliverable sites will be achieved. This places no reliance on these sites being delivered, as they could easily be substituted with unidentified sites.

A16. Table A1 presents the identified deliverable large windfall capacity within the SHLAA. This allowance applies to any 5 year period including from 2014-19 in accordance with the revised assessment of housing land supply presented in this document.

**Table A1: Capacity of deliverable SHLAA sites**

<b>Site</b>	<b>Capacity</b>
Savernake Forest Scout Group Building	15
Job Centre, Sheep Street	6
R/o 53 - 57 Church Street	6
The Beeches, Blackboard Lane	6
Manor Farm	20
<b>East Wiltshire HMA</b>	<b>53</b>
Transport Depot	27
Martigny House	19
Innox Hall	7
Vehicle Yard, Westbury North Junction	94
Hygrade Foods a Division of Tulip Ltd	6
The Elms	6
District Council Offices	61
<b>North and West Wiltshire HMA</b>	<b>220</b>
Land at Highbury and Fisherton Manor School, Salisbury	67
Land at The Avenue, Wilton (Wilton Depot)	10
Land at Riverside, Salisbury	8
Land at Grosvenor House, Salisbury	6
<b>South Wiltshire HMA</b>	<b>91</b>
<b>Wiltshire</b>	<b>364</b>

A17. The SHLAA excludes sites of 5 or less dwellings and so a separate allowance is made for these below.

**Conservative allowance for small windfall sites**

A18. As identified above, there has been a decrease in the number of windfall sites achieving permission. Despite the fact that this is likely to be a result of the economic climate and is unlikely to continue in the future, the average number of permissions across the depressed market (2009-12) will be assumed to be permitted each year for the following five. This is conservative, as it is expected that the economy will recover across this period, and even if it does not, increased market demand could increase the viability of housing delivery, thereby increasing the levels of housing development from all components of supply.

A19. The average number of new small windfall permissions across this period is presented in Table A2.

**Table A2: Small windfall delivery 2009-12 and assumed delivery 2013-18**

Area	Average number of new small windfall permissions per annum (2009-12)	Assumed number of new small windfall permissions in five years
East Wiltshire HMA	31	157
North and West Wiltshire HMA	155	773
South Wiltshire HMA	59	295
Wiltshire	245	1,225

A20. In order to estimate how many of these assumed small windfall sites will be delivered within five years, a standard delivery rate will be applied as used in the AMR. This has been calculated using the rate of development from the date of permission from an analysis of all permissions received from 2001 to 2008. The resulting rate is presented in Table A3.

**Table A3: Standard delivery rate**

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
2.3%	22.9%	32.2%	16.6%	1.9%	2.4%	8.7%	0.3%

A21. It is evident that for a permission granted in year 1, only 75.9% will reach completion in the five year period. Indeed, only 87.3% will reach completion at all, providing an allowance for non-delivery.

A22. Applying this delivery rate to the assumed number of new small windfall sites has been done using the following matrix (Table A4). The example presented is for East Wiltshire HMA.

**Table A4: Delivery matrix of newly arising small windfall sites**

	Built in year 1	Built in year 2	Built in year 3	Built in year 4	Built in year 5	Built in year 6
31 permitted in year 1	31 x 2.3% = 0.7	31 x 22.9% = 7.2	31 x 32.2% = 10.1	31 x 16.6% = 5.2	31 x 1.9% = 0.6	31 x 2.4% = 0.7
31 permitted in year 2		31 x 2.3% = 0.7	31 x 22.9% = 7.2	31 x 32.2% = 10.1	31 x 16.6% = 5.2	31 x 1.9% = 0.6
31 permitted in year 3			31 x 2.3% = 0.7	31 x 22.9% = 7.2	31 x 32.2% = 10.1	31 x 16.6% = 5.2
31 permitted in year 4				31 x 2.3% = 0.7	31 x 22.9% = 7.2	31 x 32.2% = 10.1
31 permitted in year 5					31 x 2.3% = 0.7	31 x 22.9% = 7.2
31 permitted in year 6						31 x 2.3% = 0.7
Sum	0.7	7.9	18	23.2	23.8	24.5

A23. The allowance for small windfall can be seen to be conservative. Indeed, of the 157 dwellings assumed to be permitted within 5 years on such sites in East Wiltshire, only 74 are assumed to be deliverable.

A24. The resulting allowance for small permitted sites is presented in Table A5.

**Table A5: Summary of small windfall allowance**

Area	Small windfall allowance for 2014-19
East Wiltshire HMA	74
North and West Wiltshire HMA	363
South Wiltshire HMA	139
Wiltshire	575

**Summary of windfall allowance**

A25. By simply summing the Tables A1 and A5 above an allowance for future windfall delivery can be calculated as in Table A6.

**Table A6: Summary of small and large windfall allowance**

Area	Large allowance	Small allowance	Total allowance
East Wiltshire HMA	53	74	127
North and West Wiltshire HMA	220	363	583
South Wiltshire HMA	91	139	230
Wiltshire	364	575	939

A26. This allowance, as described throughout this note, has set out to be deliberately conservative. However, in order to verify how conservative this assessment is Table A7 presents the windfall allowance that would arise from using other methods and assumptions, all of which are equally robust. Each method is described briefly in footnotes 7 and 8 to this note.

**Table A7: Comparison of methods for calculating windfall allowance**

Area	Method 1 (as above)	Method 2 <sup>7</sup>	Method 3 <sup>8</sup>
East Wiltshire HMA	127	162	596
North and West Wiltshire HMA	583	708	1,688
South Wiltshire HMA	230	282	449

<sup>7</sup> **Method 2** is the same as method 1, with the exception that it assumes that the average number of new small windfall permissions from the six year period 2006-12 will be permitted for the next five years, as opposed to the average for the three year period 2009-12.

This in effect assumes that the decreased number of windfall permissions over the three year period 2009-12 and the higher number in the previous years, represent average peaks and troughs, and so it is reasonable to assume an average. This is a wholly robust method, and providing that the economy picks up in the next couple of years will be a more accurate assessment than that presented in method 1.

<sup>8</sup> **Method 3** takes no account of the identified capacity in the SHLAA. Rather it assumes that the average number of both small and large windfall permissions achieved over the six year period 2006-12 will continue to be permitted for the following five years and will be delivered at the standard development rate.

This presents a reasonable allowance, on the assumption that the supply of large windfall sites will continue to be available, and that the six year period represents an average market situation. This is a simplistic but nevertheless robust method. Delivery at this level would require the identification and delivery of a continuous supply of large windfall sites, comprising of those identified in the SHLAA, those within the scope of the Vision exercises, those identified through the developing neighbourhood plans and any other sites that arise within the proposed settlement framework or small villages.



## Appendix 6 – Summary assessment of supply and remaining housing to be identified (by Community Area)

Area	Indicative requirement 2006-2026	Housing already provided for		Indicative remaining requirement
		Completions 2006-2014	Developable commitments 2014-2026	
Devizes	2,010	1,316	361	333
Devizes CA remainder	490	225	55	210
<b>Devizes CA</b>	<b>2,500</b>	<b>1,541</b>	<b>416</b>	<b>543</b>
Marlborough	680	344	253	83
Marlborough CA remainder	240	112	37	91
<b>Marlborough CA</b>	<b>920</b>	<b>456</b>	<b>290</b>	<b>174</b>
Pewsey CA	600	306	157	137
Tidworth and Ludgershall	1,750	330	1,338	82
Tidworth CA remainder	170	80	6	84
<b>Tidworth CA</b>	<b>1,920</b>	<b>410</b>	<b>1,345</b>	<b>165</b>
<b>EAST WILTSHIRE HMA</b>	<b>5,940</b>	<b>2,713</b>	<b>2,208</b>	<b>1,019</b>
Bradford on Avon	595	385	193	17
Bradford on Avon CA remainder <sup>9</sup>	185	97	12	76
<b>Bradford on Avon CA<sup>9</sup></b>	<b>780</b>	<b>482</b>	<b>205</b>	<b>93</b>
Calne	1,440	757	639	44
Calne CA remainder	165	72	18	75
<b>Calne CA</b>	<b>1,605</b>	<b>829</b>	<b>657</b>	<b>119</b>
Chippenham	4,510	995	3,229	286
Chippenham CA remainder	580	326	105	149
<b>Chippenham CA</b>	<b>5,090</b>	<b>1,321</b>	<b>3,334</b>	<b>435</b>
Corsham	1,220	549	341	330
Corsham CA remainder	175	199	45	0
<b>Corsham CA</b>	<b>1,395</b>	<b>748</b>	<b>386</b>	<b>330</b>
Malmesbury	885	483	447	0
Malmesbury CA remainder	510	273	86	151
<b>Malmesbury CA</b>	<b>1,395</b>	<b>756</b>	<b>532</b>	<b>151</b>
Melksham and Bowerhill	2,240	1,239	390	611
Melksham CA remainder	130	69	10	51
<b>Melksham CA</b>	<b>2,370</b>	<b>1,308</b>	<b>401</b>	<b>661</b>
Royal Wootton Bassett	1,070	583	494	0
Royal Wootton Bassett and Cricklade CA remainder <sup>10</sup>	385	248	24	113

<sup>9</sup> Bradford on Avon CA remainder and Bradford on Avon CA exclude any development at Staverton Marina, which is classed as Trowbridge Town.

<sup>10</sup> Royal Wootton Bassett and Cricklade CA remainder and Royal Wootton Bassett and Cricklade CA exclude any development at the West of Swindon.

Royal Wootton Bassett and Cricklade CA <sup>10</sup>	1,455	831	518	113
Trowbridge	6,810	2,152	3,259	1,399
Trowbridge CA remainder	165	230	7	0
Trowbridge CA	6,975	2,382	3,266	1,399
Warminster	1,920	504	1,099	317
Warminster CA remainder	140	67	24	49
Warminster CA	2,060	571	1,124	365
Westbury	1,500	674	752	74
Westbury CA remainder	115	53	7	55
Westbury CA	1,615	727	759	129
<b>NORTH AND WEST WILTSHIRE HMA</b>	<b>24,740</b>	<b>9,955</b>	<b>11,182</b>	<b>3,796</b>
Amesbury, Bulford and Durrington	2,440	1,019	1,352	69
Amesbury CA remainder	345	130	31	184
Amesbury CA	2,785	1,149	1,383	253
Mere	235	120	9	106
Mere CA remainder	50	27	11	12
Mere CA	285	147	19	119
Salisbury	6,060	1,518	4,093	0
Wilton		78	497	
Wilton CA remainder	255	111	42	102
Salisbury and Wilton CAs	6,315	1,707	4,632	102
Downton	190	54	14	122
Southern Wiltshire CA remainder <sup>11</sup>	425	315	54	56
Southern Wiltshire CA <sup>11</sup>	615	369	69	177
Tisbury	200	124	37	39
Tisbury CA remainder	220	51	11	158
Tisbury CA	420	175	48	197
<b>SOUTH WILTSHIRE HMA</b>	<b>10,420</b>	<b>3,547</b>	<b>6,151</b>	<b>848</b>
<b>SWINDON (WITHIN WILTSHIRE)</b>	<b>900</b>	<b>170</b>	<b>729</b>	<b>1</b>
<b>WILTSHIRE</b>	<b>42,000</b>	<b>16,385</b>	<b>20,269</b>	<b>5,664</b>

<sup>11</sup> Southern Wiltshire CA remainder and Southern Wiltshire CA exclude any development at Old Sarum or extensions to Salisbury City into this CA, as these are classed as Salisbury City.

# Wiltshire Council Housing Land Supply

## Appendix 4

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## Appeal Decision

Inquiry held on 17, 18 and 24 September 2013  
Site visits made on 16 and 19 September 2013<sup>1</sup>

**by Jean Russell MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 November 2013**

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**Appeal Ref: APP/Y3940/A/11/2165449**

**Land at Widham Farm/Widham Grove, Station Road, Purton, Swindon, Wiltshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr C R Cornell against Wiltshire Council.
  - The application, ref: N/11/02574/OUT, is dated 28 July 2011.
  - The development proposed is described as '...up to 50 dwellings, access and associated works following demolition of two dwellings (Kilmayne and Perrying, Station Road)'.
  - This decision supersedes that issued on 5 October 2012. That decision on the appeal was quashed by order of the High Court.<sup>2</sup>
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### FORMAL DECISION

1. The appeal is dismissed.

### Preliminary Matters

2. The outline application was made with details of the access arrangements for the proposed development. The matters of appearance, landscaping, layout and scale were reserved for future consideration.
3. Revised plans were submitted during the appeal process. The drawings before me, as agreed in the Statement of Common Ground (SCG) dated August 2013, are listed as Plans A-I at the end of this decision. A proposed bus turning area within the site is still shown on the illustrative housing plan (1579/sk04/I) but it would not be required because the local bus service now continues through Purton.
4. After the appeal was made, the Council considered the proposed development and recommended that planning permission would have been refused for eight reasons. Following negotiation and on the basis of the revised plans, the Council withdrew its objections relating to protected species, living conditions and site servicing. The appellant submitted a Unilateral Undertaking (UU) to the inquiry under s106 of the 1990 Act, in order to address the final putative reason for refusal.
5. The parties have cited other appeal decisions relating to proposals for housing on the following sites in Wiltshire: Marden Farm; Sandpit Lane; Park Road; Brynard's Hill; Oxford Road; Silver Street and White Horse Way; Ridgeway Farm (determined by the Secretary of State); Bureau West; Marsh Road; and Fairdown Avenue. Full appeal references are set out in Appendix 2 to this decision.

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<sup>1</sup> The site visit made on 16 September was unaccompanied.

<sup>2</sup> *Wainhomes (South West) Holdings Ltd v SSCLG and Wiltshire Council* [2013] EWHC 597 (Admin)

6. I have been referred to an appeal (ref: APP/Y3940/A/12/2183526) in relation to land south of Filands in Wiltshire. A decision by the Inspector was issued in error on 18 March 2013, after the Secretary of State had decided to recover the appeal for his own determination. A judicial review of the process was dismissed in the High Court. There is no currently decision on the Filands case but I have had regard to the Inspector's deliberations.
7. I am also aware of recent permissions for housing development at Moredon Bridge and Tadpole Farm, which are within Swindon but a few miles of the appeal site.

### **The Site and Planning History**

8. The appeal site comprises approximately 3ha of grazing land, bounded by Station Road to the east; Widham Grove and Locks Lane to the north; open land to the west; and Glevum Close and Pear Tree Close to the south. Widham Farmhouse is inset within the site; it and Widham Grove are grade II listed buildings.
9. It is proposed to construct 35 market houses, 15 affordable homes and some 1.14ha of open space on the appeal site, with two ponds providing ecological mitigation and surface water management functions. The development would be accessed from Station Road.
10. The appeal site is part of a larger holding which I shall describe as the 'wider site' and it adjoins a railway line to the north. A proposal to construct 136 dwellings on the wider site was dismissed at appeal (ref: APP/Y3940/A/09/2107373) on 30 November 2009 – the 'first Widham Farm' decision.
11. The appellant contends, with reference to *Arun DC v SSCLG and Green Lodge Homes LLP* [2013] EWHC 190 (Admin) that it would be an error in law for me to have regard to the former decision on the current appeal which was quashed in the High Court. The Council notes that just one ground of challenge was successful<sup>3</sup> – and that *Arun* concerned whether a second Inspector *should* rather than *could* have regard to a quashed decision. Either way, I am not bound by the former decision. It was made in different circumstances and quashed in its entirety. I have had regard to all evidence submitted in relation to this appeal, including submissions to the 2012 inquiry, insofar as they were available to me and still relevant – but I have attached no weight to the quashed decision.
12. I heard that the appellant has submitted a further planning application for housing development on the appeal site. This application is not within my remit.

### **Main Issues**

13. I consider that the main issues are:
  - 1) whether the proposed development is acceptable in principle, with regard to Government guidance in the *National Planning Policy Framework* (the Framework) and provisions of the adopted and emerging development plan;
  - 2) whether there is a five year supply of housing land in Wiltshire;
  - 3) whether the proposed development would be justified by other material considerations, with regard to local needs for market and affordable housing and whether the site is a sustainable location for new housing; and
  - 4) whether a grant of planning permission would be premature to the adoption of and would prejudice the emerging development plan.

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<sup>3</sup> The Inspector declined to consider two appeal decisions submitted after the inquiry although it was within his discretion to do so. He failed to give reasons for not considering the decisions, and they were significant in that they might have caused him to reach a different conclusion had he taken them into account.

## **Planning Policy**

### *National Planning Guidance*

14. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision-making, this means approving development proposals that accord with the development plan without delay. Where the plan is absent or silent or relevant policies are out of date, 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. Paragraph 17 of the Framework sets out core planning principles. Paragraphs 18-219 constitute what sustainable development means in practice.

### *The Development Plan*

15. The development plan comprises the *North Wiltshire Local Plan 2011* (LP) adopted in June 2006. LP Policy H3 permits residential development within Framework (or settlement) Boundaries as defined on the Proposals Map. Proposals should be for small scale or limited development in all except named villages that include Purton.
16. LP Policy H4 only permits new dwellings in the countryside outside of Framework Boundaries where they would be connected with the essential needs of a rural-based enterprise or a replacement for an existing dwelling. In accordance with paragraph 215 of the Framework, I attach weight to these and other relevant LP policies according to their degree of consistency with the Framework.

### *The Emerging Development Plan*

17. The emerging *Wiltshire Core Strategy* (EWCS), comprising the Pre-Submission Document and a Schedule of Proposed Changes, was submitted for Examination in Public (EiP) in July 2012. Following focussed consultation, EiP hearings took place from May to July 2013. In August 2013, the Council issued EXAM/34 – a hearing session tracked changes version of the Pre-Submission Document. This is the latest version of the EWCS; it formed the basis of discussion at the inquiry and it is also the version cited in this decision.
18. The Schedule of Proposed Modifications has been subject to consultation since the EiP. The proposed changes seek to resolve objections and ensure compliance with the Framework. The Inspector's report is expected in late November 2013. If the EWCS is considered to be sound, it would be adopted in early 2014.
19. EWCS Core Policy 1 (CP1) identifies settlements where sustainable development will take place – comprising Principal Settlements, Market Towns, Local Service Centres (LSC), and Large and Small Villages. LSCs are smaller towns and larger villages which serve a surrounding rural hinterland and will provide for modest levels of development. Development in Large Villages – which have a limited range of employment, services and facilities – will be limited to that needed to help meet the housing needs of settlements.
20. CP2 requires the provision of at least 37,000 homes between 2006 and 2026, distributed between Housing Market Areas (HMAs) comprised of Community Areas. The appeal site is within the North and West Wiltshire HMA and the Royal Wootton Bassett and Cricklade Community Area (RWBCCA). CP2 indicates that within the limits of development defined on the Proposals Map, there is a presumption in favour of sustainable development at settlements identified in CP1. Development which does not accord with the delivery strategy is deemed unsustainable and will only be permitted in exceptional circumstances. Development will be permitted

outside the defined limits to development (DLD) only in accordance with plan policies or under specified circumstances.<sup>4</sup>

21. Under CP19, Royal Wootton Bassett is designated as a Market Town, Cricklade as a LSC, Purton and Lyneham as Large Villages and six other settlements are defined as Small Villages. At least 1250 new homes will be provided in the RWBCCA: 920 at Royal Wootton Bassett and 330 in the remainder of the Community Area (ROCA). No strategic housing sites will be allocated but non-strategic development may consist of a range of sites in accordance with CP1 and CP2.
22. Paragraph 216 of the Framework sets out tests for ascribing weight to relevant policies in emerging plans. The EWCS is generally at an advanced stage but the weight attached to CP1, CP2 and CP19 will depend upon the extent to which they are subject to unresolved objections and consistent with the Framework.
23. Funding was allocated in 2011 for preparation of a frontrunner Neighbourhood Plan (NP) for the RWBCCA. The North East Wiltshire Villages (NEW-V) Neighbourhood Area, which includes Purton and the appeal site, was designated on 14 May 2013. Purton Parish Council is the lead or 'relevant body' for preparation of the NP.

#### *Other Material Considerations*

24. *Regional Planning Guidance for the South West* was published in September 2001. As part of the Regional Strategy, it was revoked by Order which came into force on 20 May 2013.<sup>5</sup> The *Draft Revised Regional Spatial Strategy for the South West Incorporating the Secretary of State's Proposed Changes* (DRSS) was issued for consultation in July 2008 following EiP and publication of the Panel's Report, but no further work took place after an announcement was made by the Secretary of State in July 2010 of his intention to abolish Regional Strategies.
25. The *Wiltshire and Swindon Structure Plan 2011* (SP 2011) was superseded by SP 2016 in April 2006, and this in turn was revoked by the Order cited above.

### **Reasons**

#### ***Principle of Development***

##### *Planning Policy*

26. The appeal site is outside of the Framework Boundary for Purton. Although largely enclosed by existing development, it is in the countryside for planning purposes. The proposed housing would conflict with LP Policy H4.
27. The appellant argues that Policy H4 is more restrictive than the Framework – and it is true that the latter does not promote the use of settlement boundaries as a tool for development management. It does not set out a presumption against the building of houses on land adjacent to settlements. However, the core planning principles of the Framework include that up to date plans should provide a practical framework within which decisions can be made with a high degree of predictability and efficiency. Planning should take account of the different roles and characters of different areas; promote the vitality of main urban areas; recognise the intrinsic character of the countryside; and support thriving rural communities within it.
28. Paragraph 55 of the Framework states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes in the countryside should be avoided

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<sup>4</sup> The DLD for Purton would be as the existing Framework Boundaries.

<sup>5</sup> *Statutory Instrument 2013/935: The Regional Strategy for the South West (Revocation) Order 2013*

- unless there are special circumstances. Paragraph 154 expects local plans to set out clear policies on what will or will not be permitted and where.
29. As the Council admitted at the inquiry, the appeal site is not 'isolated' or 'away' from Purton. However, that will be the case for any land that adjoins a built-up area; it does not follow that settlement boundaries should not be established in a local plan. LP Policies H3 and H4 serve to direct development to locations that, for the purposes of the plan, would promote urban areas, protect the countryside and support rural communities. They are clear as to what will be permitted where.
30. LP Policy H4 also provides a practical and predictable framework for decision-making. It is consistent with the Framework. It is intended that Policy H4 will be saved when the EWCS is adopted – and this is likely since there are no objections to this proposal and the EWCS is at an advanced stage. Subject to my findings on the following main issues, I find that Policy H4 carries considerable weight.
31. The site is not designated as a valued landscape but it is part of the open rural area which contains Purton. The proposed housing would not protect but encroach upon the countryside. I also find that the development would undermine the policy aims to promote the roles of and focus development within towns and villages, so as to enhance the vitality of rural communities. It would result in a harmful pattern of development that the Framework and LP Policy H4 seek to avoid.<sup>6</sup>
32. LP Policy H3 is not proposed to be saved; on adoption of EWCS, it would be superseded by CP1 and CP2. Whether the specifics of these policies are compliant with the Framework is a matter for the EWCS Inspector. However, it can be broadly said that CP1 and CP2 seek to define the roles of different areas and deliver sustainable development, as the Framework expects local plans to do.
33. EWCS paragraph 4.15 seeks to help retain the vitality of village communities. This objective is consistent with paragraph 55 of the Framework and it is to be achieved in part by retaining settlement boundaries at Large Villages, and exercising strict control over development outside the boundaries. There are relevant unresolved objections to the EWCS, as discussed below; further concerns may have been raised in the latest consultation exercise. Thus, CP1, CP2 and CP19 can only carry a moderate degree of weight at this stage.<sup>7</sup> However, the weight is against the appeal; the EWCS supports my finding that the proposed development is harmful and contrary to LP Policy H4 and the aims of the Framework.

### Scale of Development

34. CP1 and CP19 seek to limit housing in Large Villages to that required to meet local needs. However, the extant plan is the LP and Policy H3 expressly provides that development in Purton need not be small scale or limited.<sup>8</sup> EWCS paragraph 4.15 states that development in Large Villages will predominantly comprise small sites involving less than ten dwellings within settlement boundaries; 'predominantly' does not mean 'exclusively'.<sup>9</sup> The development would only cause a small percentage increase in the local housing stock and population.

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<sup>6</sup> The Inspector who considered the Filands appeal indicated that LP Policy H4 accords with the aims of the Framework to protect the countryside and indeed to minimise travel. He found that the existing settlement boundary to Malmesbury would need to be amended specifically because it would not be possible to find sufficient development land within the existing built-up area of this Market Town to meet the HLS requirement.

<sup>7</sup> Ms Gibson's proof suggests that recent appeal decisions indicate that a 'tipping point' has been reached whereby significant weight may be attributed to the EWCS. However, the relevant findings relate to the EWCS housing land supply requirement and not the emerging policies in the round.

<sup>8</sup> Policy DP3 of SP 2016 and DRSS Development Policy C sought to limit the scale of development in villages to that required to meet local needs but these policies are not extant and carry no weight on this issue.

<sup>9</sup> Four of the five of sites that are identified as being developable in Purton in the Council's *Draft Strategic Housing Land Availability Assessment* have capacity for more than ten dwellings.



35. The appellant made representations to the EWCS EiP that Purton should be designated as a LSC rather than Large Village under CP19. There are objections that the housing land supply (HLS) requirement set out in CP2 is too low (or high). Depending on the findings of the EWCS Inspector, more housing may be required in Wiltshire generally and a higher level of growth could take place within Purton. The HLS requirement is minimal in any event.
36. In this situation, it cannot be assumed that the proposed development would divert housing to Purton from higher order settlements. I would not dismiss the appeal solely on the ground of scale. However, this finding does not assist the appellant because the site is not within Purton. Indeed, the scale of the development is sufficient to add weight to my 'in-principle' conclusion; the approval of 50 dwellings on this site would diminish the intrinsic character of the open countryside and amount to a serious breach of LP Policy H4.<sup>10</sup>

### Conclusion

37. I conclude that the proposed development would be unacceptable in principle because it would be located outside of settlement boundaries established in the LP. It would cause harm by creating a pattern of development that fails to protect the countryside, in conflict with the Framework as well as LP Policy H4. It would also conflict with CP1, CP2 and CP19 and this does not assist the appellant, even if the policies are subject to change. The development plan is not absent or silent, but I shall consider whether LP Policy H4 is up to date.

### **Five Year Supply of Housing Land**

#### The Housing Land Supply Requirement

38. Paragraph 47 of the Framework seeks to boost significantly the supply of housing. Local planning authorities (LPAs) are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their requirements. 'Deliverable' is defined in Footnote 11 (FN11) of the Framework as meaning sites that are available now, offer a suitable location for development now and are achievable with a realistic prospect of delivery within five years, particularly in terms of viability.
39. The appellant initially argued that the five year HLS should be considered with regard to the DRSS, since its evidence base was tested and considered by the Secretary of State. At the inquiry, and for the purposes of this issue, the appellant agreed that the best available evidence supports a target of at least 37,000 homes. However, he also argued that this figure still carries limited weight since it is uncertain and minimal in any event.
40. The Framework seeks to ensure that local plans meet the full, objectively assessed needs for market and affordable housing in HMAs so far as is consistent with the policies set out in the Framework. I heard significant discussion as to whether the EWCS seeks to provide for objectively assessed housing needs – or to strike a balance between those needs and environmental constraints to development.<sup>11</sup>

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<sup>10</sup> The appellant has referred to appeal decisions in Devon and Cheshire where 50 or 80 dwellings were approved in or on the edge of villages. However, it seems that scale was not an issue in either case. In the first Widham Farm decision, it was found that 136 homes would not be large scale in relation to Purton – but neither a small addition. The development would be significant and outside of the settlement boundary.

<sup>11</sup> In *Hunston Properties Ltd v SSCLG and St Albans CDC* [2013] EWHC 2678 (Admin) it was held that the assessment of a housing land supply requirement, absent an adopted development plan, should be considered on the basis of the best available evidence of objectively assessed needs, rather than by reference to a figure that takes account of environmental constraints to development. This judgment is to be appealed.

41. The Council's *Topic Paper 15: Housing Requirement Technical Paper January 2012* (TP15) sets out a range of future housing requirements based on different demographic scenarios. TP15 suggested that 37,000 homes would be towards the lower end of the range but delivery towards the middle of the range would provide the best balance. The HLS requirement is expressed as a minimum to facilitate delivery at mid-range and provide flexibility. This implies that 37,000 homes would not meet objectively assessed needs.<sup>12 13</sup>
42. However, the Council's *Note on Housing Matters* provided to the EiP states that a minimum of 37,000 homes is the objectively assessed scale of need for Wiltshire. Whether that submission is correct is a matter for the EWCS Inspector. It is also for him to determine whether the EWCS *could* meet such needs in full and remain consistent with policies set out in the Framework. It is not for me to speculate as to whether or by how much the HLS requirement might need to be adjusted.
43. It was agreed at the inquiry that, even if there is a five year HLS, this would not be sufficient reason on its own to dismiss the appeal. However, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if there is no demonstrated five year supply of deliverable sites. LP Policy H4 is not directly concerned with the supply of housing, but the conflict between this policy and the proposed development could be outweighed by lack of a five year HLS. In order to reach a clear conclusion on this issue, absent any other figure, I attach considerable weight to the CP2 HLS requirement.

#### Components of the Housing Land Supply

44. The base date for evidence of the HLS as considered at the inquiry is April 2013; any planning permissions granted after that date are discounted.<sup>14</sup> I have noted that the EWCS requires the delivery of at least 21,400 homes in the North and West Wiltshire HMA over the plan period. Given completions since 2006, the five year HLS requirement for the HMA to 2018 is agreed to be **5081** homes.
45. The parties initially agreed that there is a deliverable supply of 2927 homes from sites with planning permission, existing LP allocations and proposed strategic sites in the EWCS. Prior to and during the inquiry, the parties also agreed that there is a deliverable supply of 500 homes at Castle Mead, 110 at Kingston Farm, 100 at Landers Field and 215 at West Warminster. The following sources are disputed:

#### *Royal Arthur Park*

46. Royal Arthur Park is a site with full permission for 221 extra care apartments within a mixed use development. The Council considers that all of the units could be delivered within five years; the appellant argues that the site should be discounted. His argument is partly based on the fact that the apartments would fall within Class C2 rather than C3 under the *Town and Country Planning (Use Classes) Order 1987* as amended.<sup>15</sup> The Council has previously excluded this site from the HLS.
47. The Framework does not say whether extra care apartments may be included in the HLS, but LPAs are required to plan for a mix of housing to meet the needs of different groups. National household projections exclude institutional populations

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<sup>12</sup> Similarly, the Sustainability Appraisal Report of the EWCS suggested that pursuing the optional range of 35,800-42,100 homes would best achieve a balance between protecting the environment and pursuing housing growth.

<sup>13</sup> The appellant suggests that the national interim 2011 household projections should be treated with caution since they span 10 and not the usual 25 years and they reflect housing trends during years of recession. The Council accepts these points, but it notes that the 2011 projections also reflect trends during years of growth. The HLS requirement was deriving using the 2008 as well as 2011 projections, and local demographic information.

<sup>14</sup> The base date for evidence submitted to the 2012 inquiry for this appeal was April 2011.

<sup>15</sup> Class C2 is use for the provision of residential accommodation and care to people in need of care; Class C3 is use as a dwellinghouse.

but TP15 defines a home as including all self-contained civilian accommodation. CP2 encompasses different types of housing and I am not aware of objections that the HLS requirement is globalised. Since the apartments at Royal Arthur Park would be self-contained dwellings owned and occupied by single households, albeit with members in need of care, I would not discount them in principle.

48. The appellant also objects that Royal Arthur Park may not be achievable given its history. The first residential permission was granted in 1996; other applications have been made since. Implementation of the extant permission was delayed such that an extension to the time limit was approved in June 2011. However, a new developer became involved later that year and a trajectory was agreed with the Council in 2012. A Deed of Variation to the planning obligation has been entered into. The Appropriate Assessment is signed and the developer is applying to discharge conditions. The negotiations indicate an intention to proceed.
49. The trajectory refers to delivery of 31 units at Royal Arthur Park in 2013/14; the appellant argues that this is unrealistic when works have not started. The schedule ahead is notional, but the Council conceded at the inquiry that the timescale would be 'tight'. I find a 'realistic prospect' of delivery of **190** units in five years.

#### *Quemerford House and Mill*

50. Since this site was allocated in the LP, development has been delayed because of viability concerns. However, the developer provided an indicative trajectory in October 2012 to the effect that ten dwellings would be delivered in five years. The schedule is subject to the market but the site could not be found an unrealistic prospect on that basis alone. The completion of any market houses, including these before me, will be subject to market forces.<sup>16</sup> There are oil pipe lines and works crossing the land but I heard that no significant constraints were identified in the allocation process. Permission is granted for one dwelling at Quemerford House; I find a realistic prospect of delivery of **ten** within five years.

#### *Proposed Strategic Sites*

51. The appellant suggests that since there are objections to the strategic sites proposed in the EWCS, I cannot assume that they will all come forward. I also observe that, if adoption of the plan is delayed, this could affect delivery. Again, however, it is not for me to pre-empt the findings of the EWCS Inspector – and the appellant does not dispute that some strategic sites are deliverable.
52. The Council argues that the proposed sites are suitable, achievable and available, with regard to information set out in SCG that were agreed with developers of the proposed sites and submitted to the EWCS Inspector. The Filands Inspector cautioned that developers could make over-optimistic submissions, because sites without implementation problems are more likely to be allocated. This may be true but I would not discount any particular SCG without evidence as to why it might be unrealistic. It does not appear to be the case that information from developers has not been critically appraised by the Council.
53. The appellant suggests that on large and complex sites, the approval of an outline application can take some time and development may be delayed after that. However, previously allocated sites have sometimes been delivered on time and the Council has provided prospective developers with templates to clarify site requirements, including with respect to delivery. As discussed at the inquiry, I

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<sup>16</sup> The appellant has not argued that the housing market is generally depressed in Wiltshire. I heard that all plots at Moredon Bridge have been reserved and there is 'a lot of demand'.

assume that the average lead-in time for delivery from submission of an outline application would be some two years.

#### *North Chippenham*

54. The Council considers that 420 dwellings could be delivered here in the next five years; the appellant's figure is 180. The Filands Inspector raised concerns regarding about this site but, since the inquiry into that case, a SCG for North Chippenham has been agreed by the developer and the Council. A Holding Direction issued by the Highways Agency has been withdrawn. A programme of road works has been agreed; funding is confirmed by the Wiltshire Infrastructure Delivery Plan 2 2011-16 (WIDP2). The site can be accessed for house-building before the road works are complete. The appellant accepts these points.
55. An outline planning application for mixed use development of North Chippenham was submitted in February 2012. It is still undetermined but with the agreement of the applicant; a decision is expected following receipt of the Inspector's report on the EWCS. Given this delay and the size of the site, the appellant argues that processes such as discharging conditions, signing the planning obligation and approval of reserved matters are likely to take so long as to set back delivery.
56. It is not the case that work on the outline application has stalled; I heard that the Council and applicant are negotiating key matters. First completions are expected in the latter half of 2014/15, more than two years after submission of the outline application. Overall, I find little evidence of any issue liable to cause a substantial delay to delivery of this site.<sup>17</sup> That said, a longer lead-in period would be required when the decision on the planning application has been put back. The Council's estimate of the supply from this site should be reduced by 30 to a realistic **390**.

#### *Rawlings Green*

57. The Council argues that 207 dwellings could be delivered at Rawlings Green within five years. This site is close to and controlled by the same lead developer as North Chippenham. As noted above, the appellant accepts that the latter site will start to deliver within five years, albeit after delay. He argues that no houses will be built at Rawlings Green within five years, because there is no application for this site yet and it will be subject to competition from North Chippenham.
58. The EWCS proposes the development of three large and some small strategic sites at Chippenham. The appellant suggests that the market around the town may be unable to deliver and sustain the predicated level of completions; housing has not been built on greenfield land at the rates proposed since 2001/2. However, there is no evidence that many house buyers are particularly concerned with the former status of a housing site. Since 2001, planning policy concerning and indeed the definition of previously developed land have changed. There has been a high rate of housing completions overall in the Chippenham area in the past decade and I consider this a more reliable guide to the local market generally.
59. In relation specifically to Rawlings Green and North Chippenham, I accept that a house builder would not compete with itself – and completion rates will reflect what can be sold. However, I heard that the developer could avoid saturating the market by offering different products on the different sites at different times. There is no evidence that this approach would be unfeasible or unviable, especially when the sites are divided by a railway and would be perceived as separate by

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<sup>17</sup> I heard that the delivery of housing at other sites, notably Moredon Bridge and Ridgeway Farm, has been affected by delays in respect of the planning obligation or reserved matters. However, those sites were not allocated for development or subject to the same level of pre-application discussion.

prospective house buyers. Since Rawlings Green would be built by a consortium, it has not been shown that competition would be likely to result in no delivery.

60. The Filands Inspector raised concerns regarding transport works needed to develop Rawlings Green. In June 2013, Network Rail confirmed that commercial terms have been agreed in respect of the required railway crossing. The location of the bridge is approved; it could be constructed without interfering with the operational railway and the developer has committed to its early delivery. I find a realistic prospect of the completion of **207** homes at Rawlings Green within five years.

#### *South West Chippenham*

61. The Council anticipates that 225 dwellings could be delivered here within five years; the appellant suggests that 125 would be a more appropriate figure. An outline planning application for employment uses at South West Chippenham is subject to a call-in request to the Secretary of State. The housing allocation at South West Chippenham would be significant – 800 dwellings in total – and so there may also be a risk that the outline residential application will be called-in.
62. However, I am not aware as to whether the call-in request for the employment allocation has been acceded to. The residential application will not be made until after the EWCS is adopted, so that it can be determined in accordance with the plan-led system. Since the housing and employment proposals would be implemented separately, they need not be subject to the same delays.
63. I heard that the housing developer and the Council are holding pre-application discussions and have agreed the development template. The SCG refers to studies undertaken in respect of the site; it also indicates that further consultation and masterplanning will take place before the application is submitted. The appellant suggests that there are highway issues to be resolved but again there is no Highways Agency objection; the transport works could take place in tandem with house building; and the WIDP2 suggests that there is no funding gap.
64. However, I am surprised that the trajectory assumes commencement some 18 months after submission of the outline application. There is little evidence to suggest that this site could be delivered more quickly than average. Given the size of the site and in the interests of consistency, a two year lead-in period should be applied. If the Council's estimate is reduced by 50, there is a realistic prospect that **175** homes will be delivered at South West Chippenham within five years.

#### *Ashton Park*

65. The Council's view is that 600 dwellings could be delivered at Ashton Park within five years. The appellant argues that the figure should be zero, since this site adjoins Castle Mead – which is under construction – and it is controlled by the same lead developer, Persimmon. It is suggested that the anticipated cumulative rate of completions has not been achieved in Trowbridge since around the turn of the century – and that was on a site built out by 11 separate developers. The appellant suggests that the market could not sustain the proposed delivery rate.
66. The Filands Inspector referred to a letter from the Regional Land Director of Persimmon sent in January 2013 to state that the firm is committed to bringing forward Ashton Park – but they view it as a 'medium term option' and are not progressing towards an application. The Inspector gave more weight to this letter than the 'more hopeful version of events' described in an email from Pegasus to the Council in December 2012. He noted that if Persimmon were to start at Ashton Park 'any time soon' it would be in competition with itself at Castle Mead.

67. Like the Filands Inspector, I would usually consider 'medium term' as a reference to about five years ahead. In this case, however, the SCG post-dates the Filands inquiry and it indicates a start in some two years time. It is signed by the Director of the Pegasus group, but in his capacity as agent for the development consortium which includes Persimmon. Castle Mead and Ashton Park would provide a planned urban extension – and the former is expected to be largely complete by 2018, not 2022/23 as indicated by the Filands Inspector. There would only be two years of overlap with the construction of Ashton Park.
68. Given the involvement of different developers and since alternative products could be offered at different times, I accept that the housing market need not be flooded. It has not been shown in my view that competition would impede the delivery of Ashton Park so that this site should be ruled out in principle of the five year HLS.
69. The Filands Inspector expressed concern as to who would pay for highway improvements required to develop Ashton Park. Again, this matter has been resolved. My only concern regarding this site is that the trajectory assumes submission of the outline application in September 2013 but it has not yet been made. The schedule should be put back to allow for a realistic two year lead-in period from 2014; the estimated deliverable supply should be reduced by 250. I find that Ashton Park could realistically provide **350** homes within five years.

#### *Station Road*

70. This site is proposed to be allocated for 250 dwellings as described in the June 2013 Addendum to the SCG. In July 2013, the agent for the developer informed the EiP that the site is not viable now based on this number of homes – but it may be viable in the future when it is expected to deliver completions. This submission was described in a letter sent to the EWCS Inspector on behalf of another developer seeking the allocation of additional (not alternative) sites in Westbury.
71. I have noted that FN11 considers viability key to deliverability. I also take the appellant's point that the EWCS Inspector will not determine viability, but concerns raised with him on this score may affect the prospects of the site being allocated at all. However, the Council has undertaken a viability assessment of Station Road. Whether the allocation would be for 250 or 500 homes, the SCG assumes the same start date for delivery, in 2017/18. The Council only expects the delivery of 50 homes within five years, with a lead-in period of more than two years following the submission of an outline application in June 2014.
72. I cannot predict if this or any other site will be allocated or not. However, it is plain that the Council and developer still support the site in principle – and the trajectory allows time to resolve the viability issue. The Council suggest that an application for more than 250 homes could be approved. On balance, there is a realistic prospect of the delivery of **50** homes at Station Road within five years.

#### *Windfall Sites*

73. Paragraph 48 of the Framework indicates that LPAs may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the *Strategic Housing Land Availability Assessment (SHLAA)*, historic delivery rates and expected future trends.
74. At the 2012 inquiry, the parties agreed an allowance of 362 windfall dwellings using a conservative methodology based on past delivery rates of small sites and capacity of large sites identified in the SHLAA. The information to April 2013

shows an increased level of completions on small sites. The appellant accepts that if this data is taken into account, the windfall allowance may be increased to 434.

75. The Council has also sought to increase the allowance for large sites, on the basis of a new draft SHLAA. However, although this document is in the public domain, it was not finalised at the time of the inquiry and the Council had just corrected a significant error within it. I appreciate that the 2012 allowance for large sites may no longer be up to date – and it is the identified capacity, rather than particular sites, which is relevant in the SHLAA. Even so, the draft version is not robust enough to show that more large sites will come forward. I conclude that **434** would be a realistic windfall allowance.

The Housing Land Supply Total

76. The appellant’s estimate of the HLS is 4592 homes or 4.52 years (including the revised windfall allowance); the Council’s figures are 6168 and 6.07 respectively. My assessment falls between the two parties’ positions:

<i>Land Supply agreed before the inquiry</i>	2927
<i>Castle Mead – agreed at the inquiry</i>	500
<i>Kingston Farm – agreed at the inquiry</i>	110
<i>Landers Field – agreed at the inquiry</i>	100
<i>West Warminster – agreed at the inquiry</i>	215
Royal Arthur Park	190
Quemerford House and Mill	10
North Chippenham	390
Rawlings Green	207
South West Chippenham	175
Ashton Park	350
Station Road	50
Windfall allowance	434
<b>Total deliverable supply</b>	<b>5658</b>

77. This table suggests that the Council can comfortably deliver 5081 dwellings in five years; 5658 represents a supply of over 5.5 years against the agreed requirement. It is now necessary to consider whether the supply is adequate with regard to the buffer to be applied in accordance with paragraph 47 of the Framework.

Five Year Land Supply Buffer

78. The Framework expects LPAs to provide for five years worth of housing land with an additional buffer of 5%. Where there has been a record of persistent under-delivery, the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply as well as choice and competition in the market. Both parties have assessed delivery during the EWCS period from 2006, but they dispute which HLS requirement should be used to adjudge the record.
79. The Council argues that its record must be measured against SP 2016 – the only development plan ever adopted in the EWCS period. SP Policy DP4 set out the HLS requirements for North Wiltshire and its component areas of Chippenham and ‘Rest of North Wiltshire’ (RONW). In relation to North Wiltshire and RONW, there were not sufficient completions every year but the annual average completions did meet

- requirements. In my view, it is reasonable to assess historic housing delivery against SP 2016. Paragraph 47 of the Framework expects that housing needs are met through the local plan. Measured as such, there was no under-delivery.
80. The appellant argues that delivery should be assessed against the DRSS. It was relied upon by other Inspectors and indeed the Council during the EWCS period in order to calculate the five year HLS supply requirement. However, the DRSS has never been used to assess past delivery. It was not adopted and it no longer contains the best available evidence of housing need in the period. Nevertheless, for completeness, I will consider delivery against the DRSS.
81. DRSS Policy HMA2 set out the HLS requirement for the Swindon HMA, comprising Swindon, North Wiltshire and Kennet. It required the provision of 13,700 homes in North Wiltshire between 2006 and 2026. It also specified the number of homes to be delivered in Strategically Significant Cities and Towns (SSCT). The requirement for North Wiltshire included 5,500 homes at Chippenham and 3,000 in an urban extension to Swindon, leaving by implication 5,200 for the RONW.
82. In the EWCS period, Council did not achieve its annual average 'aggregated' DRSS requirement for North Wiltshire but it did meet the 'disaggregated' target for the RONW.<sup>18</sup> In my view, it would be wrong to divorce the DRSS HLS requirements from the DRSS spatial strategy, whereby lower order settlements were not intended to meet the housing needs of SSCT.<sup>19 20</sup> Applying the aggregated figure would mean that the Council's record is assessed with reference to a target which was set in part to address the housing needs of Swindon. The area of assessment should be the RONW where there was no persistent under-delivery.
83. In terms of the Council's own (CP2) requirements for the North and West Wiltshire HMA, there has been uneven performance but the annual average completions met expectations during the period. The appellant suggests that it is not right to 'average the under-supply', but completions of market homes are likely to fluctuate by nature. Overall, I find no persistent record of under-delivery. The Council is expected to provide a five year HLS with a 5% buffer, equating to 5.25 years.

### Conclusion

84. I have had regard to the other appeal decisions relating to housing in Wiltshire, as well to the findings of the Filands Inspector. The current case can be distinguished from all others in that this is the only one considered on the basis of evidence from April 2013. Many of the previous appeals, including Ridgeway Farm, were also considered with reference to the five year HLS target set out in the DRSS. As noted above, the appellant agreed that the DRSS should not be used to calculate the required future five year HLS.
85. In the Bureau West decision, the Inspector found that the Council did not have five year supply of housing land but only in relation to the East Wiltshire HMA. In the Fairdown Avenue case, it was held that there is a five year supply for the North and West Wiltshire HMA. On the evidence before me, I also conclude that the Council has a HLS of some 5.5 years, sufficient to meet its five year requirements with a 5% buffer. The harm caused by the development and the conflict with LP Policy H4 is not justified by paragraph 49 of the Framework.

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<sup>18</sup> The appellant also assessed the Council's record of delivery against the DRSS in relation to the North and West Wiltshire HMA and for Wiltshire as a whole, but these areas of assessment were not recognised in the DRSS, and the HMA does not exactly correlate to the former North and West Wiltshire Council areas. I agree with the Council that it would be artificial to apply the DRSS HLS requirement to areas not recognised in the DRSS.

<sup>19</sup> DRSS Development Policies A, B and C sought to focus development in SSCT, enhance the role of market and coastal towns, and limit development at small towns and villages to that which would meet local needs.

<sup>20</sup> This view was taken in most but not all previous appeal decisions.



### **Other Material Considerations**

86. The appellant also argues that the settlement boundaries for Purton are out of date in respect of likely market and local affordable housing needs – and the appeal site would be a sustainable location to meet these needs. As noted above, the Framework outlines a presumption in favour of sustainable development.

#### Market Housing

87. The Framework Boundaries shown on the LP Proposals Map were drawn in the light of the HLS requirement set out in SP 2011. SP 2016 and the DRSS recognised a need for a greater housing supply. In most appeal decisions made from 2008 to 2012, the five year HLS requirement was considered on the basis of the DRSS. Thus, the appellant may be right that the LP should have been reviewed when the SP was revised or DRSS published. However, no such review took place and neither the SP nor DRSS is in force today; they do not show whether settlement boundaries are out of date now.

88. I have noted the appellant's submissions that the HLS requirement of the EWCS may not suffice to meet objectively assessed needs. Whether or not that is right, from all that I have seen and heard, it seems that the Council does expect the building of more than 37,000 homes in the plan period. EWCS paragraphs 4.24 and 4.25 set out the identified sources of housing land supply and *additional* sources of HLS related to the 'exception policies'.

89. However, CP2 states that DLD may only be altered through a community-led planning policy document including a NP or Development Plan Document (DPD) which identifies specific sites for development. Paragraph 4.26 affirms that, if necessary, the Council will introduce DPDs to ensure a sufficient supply of suitable sites, for instance should a community not deliver their own plans. This text does not preclude the preparation of DPDs in other situations but there is no expectation that DLD will be altered unless necessary to ensure an adequate HLS.<sup>21</sup>

90. The proposed strategic sites are outside of DLD. I heard that boundaries may be expected to change at higher order settlements but not Large or Small Villages unless there is evidence of need. Appendices E and F of the EWCS list the settlements where boundaries would be retained or removed, but there is no express statement as to whether the Purton boundary *should* be changed or reviewed before 2026; this is deemed to be a matter for a NP or DPD. I cannot assume whether or not the DLD would need to be altered.

91. EWCS paragraph 4.26 indicates that while CP2 allocates sites that are strategically important for the delivery of the overall strategy for Wiltshire, additional specific sites on the edge of settlements may need to be identified to ensure the delivery of the individual community area requirements. The appellant accepts that, at April 2013, there was a residual requirement for just 42 homes out of the 330 required in the ROCA.<sup>22</sup> The proposed development would provide more dwellings than the minimum that may be needed to 2026 in an area that covers other settlements. There are 74 completed and 20 committed dwellings in Purton and so this village is likely to accommodate a significant proportion of new homes in the ROCA.

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<sup>21</sup> EXAM/29 submitted to the EWCS EiP indicates that for the majority of locations, there is more than sufficient capacity to deliver the housing requirements relying on sites identified in the SHLAA within settlement boundaries. Some development will take place outside of settlements at sources expected to deliver additional supply. It is not said that all or which DLD would need to be reviewed or altered.

<sup>22</sup> Table B in the update to EXAM/29 indicates that there is a residual requirement for -166 developable sites in the ROCA if account is taken not only of completed and committed sites but also evidence of developable sites, windfall allowance and capacity of sites identified in the draft SHLAA.

92. The draft SHLAA identifies five sites for housing in Purton but none are deemed deliverable within five years. The sites may not even prove developable since it is stated that they are not available; I heard that they have not been subject to consultation or viability assessments. However, planning permissions have now been granted in respect of two of the Purton sites, albeit for fewer dwellings than there is capacity for.<sup>23</sup> The draft SHLAA also identifies deliverable sites which could more than cater for the residual housing need in the ROCA.
93. Since the EWCS housing requirement is subject to change and not maximal in any event, further development may be required or permitted to meet local housing needs. Purton Parish Council has acknowledged a need for more housing. I would not assume that the DLD for Purton will not need to be altered before 2026 – but the appellant has not shown that there is insufficient land within the ROCA to meet current market housing needs or that the DLD can be deemed out of date now.

### Affordable Housing

94. LP Policy H5 seeks to ensure the provision of about 30% affordable housing on developments of 15 or more dwellings within the Framework Boundary of Purton. Although the site is outside of the village, it is agreed that this policy should apply to the proposal. The UU provides that 30% of the dwellings would be affordable. The Council accepts that the provision of 15 on-site affordable homes would be a benefit; the question is the weight to be attached to this aspect of the proposal.
95. It is undisputed that there is a significant need for affordable housing in Wiltshire. At 15 August 2011, over 10,000 people were seeking an affordable home across the county as a whole and there was a shortfall of 780 affordable homes per year in North Wiltshire. EWCS paragraph 6.41 seeks to achieve 10,000+ new affordable homes within the plan period – and it is possible that this will only be achieved by allowing more than 37,000 dwellings overall.
96. Indeed, the building of affordable homes will depend in large part on grants of permission for market housing. EWCS CP43 requires the provision of at least 40% affordable homes on sites of five or more dwellings, and a financial contribution towards off-site affordable housing on smaller sites. In principle at least, CP43 and LP Policy H5 are consistent with the Framework, which expects local policies to ensure that affordable housing needs are met on-site unless off-site provision can be justified. However, there is no suggestion in national or local policy that the provision of affordable housing would justify the development of market dwellings in an unacceptable location. The general need for affordable housing does not outweigh the conflict with LP Policy H4.
97. The appellant makes a case for the proposed development based on local affordable housing needs. I note that the Framework seeks to ensure that the ranges of housing identified for particular locations reflect local demand. The Council confirmed that 409 households were seeking an affordable home in August 2011 in the RWBCCA; the *Purton Housing Needs Survey January 2012* (PHNS) found a need for 24 affordable homes in the parish by 2015. Cllr Lay has shown that 90 households in Purton were on the Council's register in the first quarter of 2013.<sup>24</sup> Yet permission has been granted for just one affordable dwelling in the village in the past ten years.<sup>25</sup>

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<sup>23</sup> Inquiry document 20 indicates that planning permission is granted for four houses on site 82 (capacity for 22) and the land is for sale, while three houses are approved on part of site 88 (capacity for six).

<sup>24</sup> Inquiry document 33/6 – email from Sarah Hartley dated 28 August 2013

<sup>25</sup> Affordable homes will be delivered at Moredon Farm and Ridgeway Farm, which lie within Purton parish, but the Council accepts that these will address the housing needs of Swindon.

98. Local residents have queried whether the right affordable housing is proposed. Homes would be offered for affordable rent and shared ownership; both tenures are required by the Council's *Affordable Housing Supplementary Planning Document* (SPD) and the PHNS. It is also proposed to offer dwellings of different sizes, and whether the precise mix is appropriate could be negotiated at the reserved matters stage. I have no objections to the proposed affordable housing on the basis of size or tenure.
99. The Council suggests that, by comparing the 409 and 24 figures, there is likely to be a greater requirement for affordable housing in other parts of the RWBCCA than in Purton. However, the PHNS was likely based on a different methodology and it certainly has a different date to the assessment of the RWBCCA carried out by the Council. The PHNS found that more research is needed and account should be taken of the housing register. I would not assume a relative *lack* of need for affordable housing in Purton – but it is also true that there is no demonstrably more acute need in this settlement than others.<sup>26</sup>
100. The Council suggests that affordable housing may be delivered elsewhere. I have noted that the draft SHLAA identifies deliverable sites within the ROCA as well as developable sites within Purton. Table B in the updated EXAM/29 sets out a windfall allowance for 74 dwellings on small sites in the ROCA and I accept that a proportion would likely come forward in Purton. There is potential for other sites for affordable housing to come forward.
101. However, there is not sufficient information in the draft SHLAA or anywhere else for me to assume or estimate the future provision of housing in Purton. The sites described by Cllr Lay cannot be considered deliverable. I heard that a local affordable housing provider wishes to provide more homes in the area but it has no detailed plans. Thus, I am not aware of any other scheme which could meet the needs for affordable housing in the area by 2015 as identified by the PHNS.
102. Nevertheless, the undeniable benefit of providing affordable housing must be weighed against the lack of evidence of an exceptional local need as well the potential for other sites to come forward. Overall, I find that the provision of affordable housing is not sufficient to outweigh the conflict with LP Policy H4.

#### Sustainable Development

103. The proposed development would cause a loss of greenfield land but this is not prohibited by the Framework; the developable sites within Purton identified by the draft SHLAA are also greenfield. The Council does not object to the development on the grounds of landscape impact. The site does not represent high quality agricultural land and indeed it is under-used for farming. It is crossed by public footpaths which are valued by local residents for recreational purposes, but the rights of way, areas of public open space and existing hedgerows would be incorporated into the development.
104. While the status of Purton is a matter for the EWCS Inspector, I find that the site is within walking or cycling distance of amenities in the settlement, including a primary and a secondary school, a library, convenience store and new post office. At the 2012 inquiry pertaining to this appeal, the Council conceded that there is no land available for development within Purton which is *more* sustainable than the appeal site; there would be no objection to the proposal if a five year HLS did not exist and prematurity was not a proper reason for refusal. The Inspector who

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<sup>26</sup> Moreover, there is no mechanism in the UU to ensure that the proposed affordable homes would be allocated to local residents, although I appreciate that the wording of the UU was agreed with the Council.

- determined the first Widham Farm appeal noted agreement between the parties that the 'site was a sustainable location'.
105. However, the Council's view now is the proposal would not represent sustainable *development* if it would conflict with the Framework and the local spatial strategy. I agree that whether a development is sustainable is a matter to be considered with regard to planning policies taken as a whole – and the absence of harm described cannot outweigh the adverse impacts resulting from encroachment into the countryside and the conflict with LP Policy H4 and the Framework.
106. The appellant suggests that the proposed development would make a positive contribution to the sustainability of the area by supporting jobs in construction, the supply chain and domestic retail. I do not dispute that house building can drive economic recovery and the proposed dwellings would likely sell. The development would also generate New Homes Bonus and Council Tax receipts for the Council. However, any housing development would give rise to similar economic benefits and these generic advantages carry little weight in favour of the appeal.
107. Paragraph 28 of the Framework supports economic growth in rural areas by promoting the retention and development of local services and community facilities in villages. The Council does not share local residents' concerns that the proposed housing would place a strain on existing infrastructure. There are spare places in the Purton schools and future occupiers of the site would be likely to spend in local shops. However, I heard no convincing evidence that the development would ensure the retention or materially enhance the viability of local amenities.
108. Moreover, the Council and local residents suggest that the development would exacerbate out-commuting from Purton, which has a dormitory role in relation to Swindon.<sup>27</sup> Paragraph 4.9 of the EWCS records a general increase in net out-commuting from Wiltshire, while paragraphs 5.99 and 5.100 seek to protect the character and identity of villages in the RWBCCA, particularly those closest to Swindon. The Council's concern is that out-commuting could reduce the viability of Purton if the settlement is mainly used as a place to sleep and local residents go elsewhere for day-to-day activities.
109. There are workplaces in Purton but the Transport Assessment confirms that the majority of local residents commute to work by car.<sup>28</sup> The development would not include new employment land and the appellant agreed at the inquiry that some 70% of future residents would likely out-commute. In my view, they would also make car journeys to shops and services since, whatever its designation, Purton does not have the same range of facilities as a town or city. Even if this would not amount to unacceptably unsustainable travel, it has not been shown that the development would enhance or maintain the vitality of this rural community.
110. The appellant also argues that the appeal site is a logical infill site. The LP Inspector found that allocating the wider site for housing could serve to round off Purton, given the relationship of the site to existing development as well as a then proposed railway station. It is now planned that the station will be built at Royal Wootton Bassett. The site still adjoins residential streets, but it is not an infill site by reason of its size and location outside of the settlement.<sup>29</sup> The LP Inspector

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<sup>27</sup> Purton's dormitory role in relation to Swindon was recognised in DRSS paragraph 4.1.19 and in the first Widham Farm appeal decision. The conclusion of the 2009 Inspector that a development of 136 homes on the site would be 'significant' was related in part to a finding that the scheme would exacerbate the commuter function of Purton.

<sup>28</sup> I heard that the Transport Assessment is based on the 2001 census. The 2011 census shows that fewer but still a majority of residents commute by car. Station Road is part of a bus route, so the appeal site and Purton are connected to Swindon by public transport, but the services are not high frequency.

<sup>29</sup> EWCS paragraph 4.29 defines infill as the filling of a small gap within a village that is only large enough for not more than a few dwellings, generally only one dwelling.

declined to allocate the site because brownfield land was available within urban areas. I have also found that LP Policy H4 is not out of date and breach of the settlement boundary is not warranted in this case.

### Conclusion

111. The Foreword to the Framework states that 'development means growth' – and so the appellant argues that towns and villages should continue to grow. However, there is nothing in the Framework to suggest that villages should expand physically outwards, even if they have done so in the past. The core planning principles are clear that planning should actively *manage* patterns of growth as well as protect the countryside; this is part and parcel of delivering sustainable development.
112. It may be that the Council would not object to development of the appeal site if it were to come forward via a NP. Given this and the general need for market and affordable housing, the appellant asks why permission should be delayed; there is no site-specific reason to dismiss the appeal. However, it is the case now that the proposal would conflict with the development plan and result in a harmful pattern of development that the plan seeks to avoid, when the plan is not absent or silent. It has not been shown that local needs for market or affordable housing render LP Policy H4 or the DLD for Purton out of date, or that the development would be sustainable when considered on balance under the plan-led system. The material considerations advanced do not outweigh the harm identified above or the conflict with LP Policy H4, the Framework and CP1, CP2 and CP19.

### **Prematurity**

113. The putative reasons for refusal included that the proposed development would be premature to progression of the EWCS and any subsequent DPD or NP for the area; a grant of permission would prejudice the plan-led approach to sustainable development and phasing of future growth. The Council's position now is that the EWCS is at a sufficiently advanced stage as to carry significant weight – but there would still be an issue of prematurity if I do not agree with that submission. A grant of permission would also be premature to adoption of the NEW-VNP.
114. *The Planning System: General Principles* (PSGP) states that it may be justifiable to refuse permission on grounds of prematurity where a DPD is being prepared but not yet adopted – and a development would be so substantial, or its cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in a DPD policy. Where the DPD is at consultation stage, a refusal of permission on prematurity grounds would seldom be justified because this would delay determination of the future use of the land.
115. I have found that the proposed development would conflict with policies in the EWCS; this adds weight to but is not determinative for my conclusion on the issue of principle. Given outstanding objections to the EWCS, it is necessary to consider if allowing the appeal would be premature to the plan. In my view, the Council has not shown that the development would be so substantial or have such a cumulative effect as to prejudice CP1, CP2 or CP19. The scale of housing proposed is modest in relation to the HLS requirement for the North and West Wiltshire HMA. The EWCS does not prohibit sites of more than 10 dwellings within Large Villages and it makes provision for development outside DLD in some circumstances.
116. The development could be considered significant in relation to the NEW-VNP, when the number of houses proposed would exceed the residual requirement for ROCA and the site is outside of Purton. However, the programme for the NEW-VNP states that an options report and draft plan will only be produced in October 2013.

The NP will be submitted to the Council in February 2014 and the referendum will take place in summer 2014. I heard that the draft Purton Parish Plan, which will feed into the NP, is still subject to consultation.

117. Thus, the NEW-VNP is at consultation stage for the purposes of the PSGP – and I have seen no draft version. I appreciate that localism is at the heart of the Government’s planning reforms, but there are no NP policies seeking to direct the scale, location and/or phasing of development that could be prejudiced by a grant of permission for the current proposal.
118. I heard that allowing the appeal could act as a disincentive for completion of the NEW-VNP, but the housing requirement for the ROCA, as for Wiltshire as a whole, is expressed as a minimum. Permitting the development would not make it any less necessary or desirable for the NEW-VNP to direct residential development over the EWCS period. The opposite could be true, if proposals such as those described by Cllr Lay may still come forward. The NP will also cover other planning issues.
119. I conclude that the proposed development could not be considered premature in planning terms. It would not unacceptably prejudice the EWCS or NEW-VNP and a refusal of permission on this ground could not be justified.

### **Other Matters**

#### *Unilateral Undertaking*

120. As well as affordable housing, the UU makes provision for open space and play space within the development, and contributions towards public transport, off-site highway works and Purton Cemetery.<sup>30</sup> The contributions proffered fall to be assessed against Regulation 122 of the *Community Infrastructure Levy (CIL) Regulations 2010*; that they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
121. The affordable housing provision would be necessary for permission to be granted under LP Policies C2 and H5, the Framework and the Affordable Housing SPD; it would be fairly related in scale and kind to the development. The same applies to the proposed open space and play space; it would be provided in accordance with LP Policies C2 and CF3 and the draft Open Space SPD.
122. LP Policy C2 requires contributions to support community facilities and Purton Cemetery only has sufficient burial space for some 14-15 years. The UU would support the extension of the cemetery, reflecting the extent that the development would increase the local population. The proposed public transport contribution is to provide bus passes to future occupiers of the site; this would promote the use of sustainable transport in accordance with LP Policies C2, T1, T2 and T4. The contribution towards off-site highway works would ensure highway safety. Thus, the UU would meet the Regulation 122 tests but this does not mean that there would be additional benefits to outweigh the harm caused.

#### *Representations of Local Residents*

123. Local residents have genuine concerns that the proposed development would exacerbate the risk of flooding to nearby properties. The site and surrounding area are crossed by culverts which were breached in localised flood events in 2007 and again in 2012 – after the first Widham Farm and quashed appeal decisions were made. However, the site is in Flood Zone 1, so the risk of flooding is generally low. The development would be designed so as to increase the amount of water stored

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<sup>30</sup> The Council withdrew a request for contributions towards libraries, public art and waste.

on site and reduce flow into the culverts. The site would be protected to a 1:100 year flood event with an allowance for climate change.

124. These outcomes and maintenance of the proposed drainage system could be ensured by imposing conditions tying the permission to the Flood Risk Assessment and setting out requirements for drainage, floor levels, landscaping and the surface water management pond.<sup>31</sup> The development would not reduce the risk of flooding so as to provide a benefit which would tip the balance in favour of a grant of permission. However, it would not add to the local flood risk so that the appeal could be dismissed on this ground.<sup>32</sup>
125. Local residents also object that traffic generated by the proposed development – alongside that from Ridgeway Farm and Tadpole Farm – would add to congestion in Purton, increase the risk of road accidents and make it difficult to turn in and out of nearby properties. I note that some roads in Purton are narrow and the settlement is away from the strategic highway network.
126. The Transport Assessment suggests that the development would generate some 30-33 vehicular trips per peak hour (one every two minutes) or 277 trips between 07.00 and 19.00 hours. The methodology is disputed and I realise that trips would not be evenly spaced in practice. Nevertheless, I agree with the appellant and the Council that the roads in Purton are not used to capacity and could accommodate cumulative traffic from the proposed and nearby housing. The development would be unlikely to cause unacceptable traffic problems or loss of highway safety.
127. The proposed development would be laid out to retain sufficient space around Widham Grove and Widham Farmhouse so as to preserve the setting of both listed buildings. Subject to provision of the ecological pond and suitable vegetation, the proposed housing would cause no unacceptable harm to any protected species. Whether the development would have an acceptable design and impact on nearby properties would be properly considered at reserved matters stage.
128. These findings do not alter or outweigh my conclusions on the main issues.

### **Conclusion**

129. Notwithstanding my findings on precedent, I consider that the conflict between the proposed development and LP Policy H4 is a compelling consideration. This policy is consistent with the Framework and not out of date in relation to the appeal site. The proposed housing would result in a pattern of development that fails to protect the intrinsic character of the countryside or support the vitality of the rural community; it would not accord with the Framework. The development plan is not absent, silent or out of date – and the adverse impacts of the scheme would outweigh the benefits. For the reasons given above and with regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jean Russell*

INSPECTOR

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<sup>31</sup> Drainage is also controlled by separate legislation.

<sup>32</sup> Network Rail is responsible for keeping culverts by the nearby railway clear, but it is under no obligation to improve them. Plans to redouble the railway could affect localised surface water run-off but Network Rail has no objections to the proposed development subject to conditions.

## APPENDIX 1: LISTS

### APPEARANCES

#### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Sauvain QC <i>He called</i>	Instructed by Wiltshire Council Legal Services
Carolyn Gibson BA(Hons) MRTPI	Spatial Plans Team Leader, Wiltshire Council
Neil Tiley BSc(Hons)	Manager of Monitoring and Evidence
Mark Wiltshire MIHE	Major Projects Officer – <i>discussion on delivery of proposed strategic sites</i>
Henning Totz	Senior Planning Officer – <i>discussion on delivery of proposed strategic sites</i>
Tim McCombe	Senior Planning Officer – <i>discussion on delivery of proposed strategic sites</i>
Brian Taylor	<i>Discussion on planning conditions</i>

#### FOR THE APPELLANT:

David Manley QC <i>He called</i>	Instructed by Mr Harris
Martin Packer BSc(Hons) CEng MICE	Director of PFA Consulting
Stephen Harris BSc(Hons) MRTPI	Director of Emery Planning Partnership

#### INTERESTED PERSONS:

Councillor Jacqui Lay	Ward councillor and Purton resident
Dr Richard Pagett	Local resident, former chair of the Parish Council and formerly of Ps & Qs
Ray Thomas	Chair of Purton Parish Council and Chair of the NEW-VNP Steering Group
Geoff Tappern CEng MIMechE	Chair of the Parish Plan Steering Group
Tim Collier	Local resident

### DOCUMENTS

- 1 The Council's letter of notification regarding the inquiry and list of those notified
- 2 Appearances for the Council
- 3 Corrections to Appendix R8 of Mr Tiley's rebuttal proof of evidence
- 4 Letter and memorandum TR110 from the Highways Agency dated 12 September 2013, giving notice that the Secretary of State for Transport has no objection to planning application ref:12/00560/OUT – mixed use development at Land North of Chippenham
- 5 Tyler Grange LLP – Great Crested Newt Pond design
- 6 Wiltshire Infrastructure Delivery Plan 2 2011-16 (WIDP2): Appendix 1: Bradford on Avon Community Area (CA) – September 2013
- 7 WIDP2: Appendix 1: Chippenham CA – September 2013
- 8 WIDP2: Appendix 1: Trowbridge CA – September 2013



- 9 WIDP2: Appendix 1: Warminster CA – September 2013
- 10 WIDP2: Appendix 1: Westbury CA – September 2013
- 11 *Arun DC v SSCLG and Green Lodge Homes LLP* [2013] EWHC 190 (Admin)
- 12 Opening submissions for the appellant
- 13 Opening submissions for the Council
- 14 Housing Land Supply Statement April 2013 – dated August 2013
- 15 Extract from the draft Strategic Housing Land Availability Assessment 2012
- 16 Draft Unilateral Undertaking submitted by the appellant
- 17 Bundle of emails from Network Rail
- 18 Wiltshire Core Strategy Schedule of Proposed Modifications – August 2013
- 19 Information from Housing Services on the provision of affordable housing in Purton parish
- 20 Councillor Lay’s written statement and evidence
- 21 Draft list of suggested conditions
- 22 The appellant’s unilateral undertaking
- 23 Final list of suggested conditions
- 24 Statement of compliance of the unilateral undertaking with Regulation 122 of the Community Infrastructure Levy Regulations 2010
- 25 Summary of the parties’ positions on housing land supply signed on behalf of the appellant and the Council
- 26 Additional information from the Council relating to housing land supply
- 27 Statement of Dr Pagett
- 28 Statement of Mr Thomas with a copy of the Parish Council’s submission to the 2012 inquiry
- 29 Programme for the NEW-VNP
- 30 Statement of Mr Tappern with extracts from the draft Parish Plan
- 31 The Parish Plan questionnaire
- 32 Extract from letter from Network Rail to Mr Collier
- 33 Bundle of documents submitted by Cllr Lay relating to affordable housing
- 34 Matter 2 Hearing Statement submitted on behalf of Wainhomes (South West) Holdings Ltd to the Wiltshire Core Strategy dated April 2013
- 35 Closing submissions on behalf of the Council
- 36 Closing submissions on behalf of the appellant
- 37 Letter from the Council dated 25 October 2013
- 38 Letter from the appellant dated 30 October 2013

## **PLANS**

- A 1579/02/A – location of affordable housing and garden shed positions
- B 1579/03/C – typical street elevations
- C 1579/sk04/I – housing plan
- D 1579/05/E – car parking schedule
- E 1579/06/A – site sections
- F 1579/07/D – car parking facilities
- G 1579/08/A – vegetation plan
- H W415/3/C – proposed access arrangements
- I 1002\_2010\_01 – Habitat Features
- J Map of Purton Parish
- K Map highlighting area draining into the railway culvert submitted by Mr Collier

## **PHOTOGRAPHS**

- P1 Bundle of photographs submitted by Mr Collier

## APPENDIX 2: OTHER WILTSHIRE HOUSING APPEAL DECISIONS

Appeal Reference	Site	Date of Decision
APP/Y3940/A/09/2094931	1-2 Marden Farm, Rookery Park, Calne, Wiltshire, SN11 0LH	28 May 2009
APP/Y3940/A/09/2107373 <i>– the first Widham Farm appeal decision</i>	Land at Widham Farm/Widham Grove, Station Road, Purton, Swindon, Wiltshire	30 November 2009
APP/Y3940/A/09/2108716	Land off Sandpit Lane, Calne, SN11 8TF	18 January 2010 <i>– High Court challenge dismissed on 14 April 2010</i>
APP/Y3940/A/11/2159115	Land off Park Road, Malmesbury, Wiltshire, SN16 0QW	15 March 2012
APP/Y3940/A/09/2115332 APP/Y3940/A/09/2115331	Land at Brynard’s Hill, Wootton Bassett, Wiltshire	26 March 2010
APP/Y3940/A/12/2169716	Land off Oxford Road, Calne, Wiltshire SN11 8AW	18 September 2012
APP/Y3940/A/12/2171106	Land off Silver Street and White Horse Way, Calne, Wiltshire	18 September 2012
APP/Y3940/A/11/2166277 <i>– decision by the Secretary of State</i>	Ridgeway Farm, Common Platt, Purton, Swindon, SN5 4JT	26 November 2012
APP/Y3940/A/13/2192636	(Former) Bureau West, Horton Road, Devizes, Wiltshire, SN10 2JJ	31 July 2013
APP/Y3940/A/13/2192250	The Former Nursery, Marsh Road, Hilperton Marsh, Trowbridge, Wiltshire, BA14 7PJ	13 August 2013
APP/Y3940/A/13/2196510	Land at Fairdown Avenue, Westbury, Wiltshire	15 August 2013

# Wiltshire Council Housing Land Supply

## Appendix 5



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## Appeal Decision

Inquiry held on 28 & 29 February, 1 & 2 March 2012

Site visit made on 1 March 2012

**by Terry G Phillimore MA MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 May 2012**

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**Appeal Ref: APP/C1625/A/11/2165865**

**Land at Sellars Farm, Hardwicke, Gloucestershire GL2 4QD**

- 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 Robert Hitchens Limited and Redrow South West against the decision of Stroud District Council.
  - The application Ref S.11/1190/OUT, dated 15 June 2011, was refused by notice dated 8 November 2011.
  - The development proposed is residential development (up to 200 dwellings) including infrastructure, ancillary facilities, open space and landscaping; construction of new vehicular access from the C223/Sellars Road.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development (up to 200 dwellings) including infrastructure, ancillary facilities, open space and landscaping; construction of new vehicular access from the C223/Sellars Road on Land at Sellars Farm, Hardwicke, Gloucestershire GL2 4QD in accordance with the terms of the application, Ref S.11/1190/OUT, dated 15 June 2011, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. At the inquiry an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.
3. The appeal relates to an outline planning application with all matters reserved other than means of access.
4. On 25 January 2012 a direction was issued by the Secretary of State pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 that the development is not Environmental Impact Assessment development.
5. Prior to the inquiry the Council indicated that it did not intend pursuing its reason for refusal relating to flooding and pollution.
6. The appellants have made planning obligations under section 106 of the Act with respect to affordable housing, education, a travel plan and highway works.
7. A large part of the evidence and submissions at the inquiry related to Government guidance in PPS3 *Housing* and the then draft National Planning Policy Framework. Following the inquiry the final version of the Framework

came into force on 27 March 2012, replacing PPS3 amongst other existing documents. The main parties and others who participated in the inquiry were subsequently invited to submit written representations on relevant matters raised by the Framework, with a further period allowed for responses to the representations made. The appeal is determined having regard to the contents of the Framework and the written submissions received.

### **Main Issues**

8. The main issues are:

- a) having regard to the location of the site outside the defined settlement boundary as identified in the development plan, whether its current release for development is justified by housing land supply considerations, including taking into account concern about prematurity;
- b) whether the location of the site would discourage the use of more sustainable modes of transport;
- c) the impact the development would have on highway conditions in the vicinity.

### **Reasons**

#### ***Housing land supply***

9. The 8.65ha site comprises farmland on the southern edge of urban Gloucester in the Quedgeley/Hardwicke area. It lies outside the Harwicke settlement boundary defined in the Stroud District Local Plan 2005, and therefore is in countryside. The proposal does not accord with policy HN10, which is that outside the defined settlement boundaries residential development will not be permitted unless it is essential to the efficient operation of agriculture or forestry. Given the restrictive nature of the policy, this is a fundamental conflict with the development plan.
10. Objectives in the National Planning Policy Framework include widening the choice of high quality homes. To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
11. Previous Government guidance in PPS3 also required a continuous 5 year supply of deliverable housing sites to be maintained. In this context elements of agreement were reached between the main parties during the inquiry on the current 5 year housing land supply position in the District. The agreed calculations gave a range in the supply from 2.47 to 4.48 years. There was thus no dispute that a 5 year supply does not presently exist. The main disagreements were in relation to the source of the 5 year requirement figure and the treatment of past shortfalls in terms of whether these should be front loaded into the 5 year requirement or spread throughout the remaining plan period. A further area of dispute which related to the potential delivery from a small number of specific sites made only a limited difference to the results. At the inquiry the appellants were prepared to cede this point in favour of the

- Council's inclusion of these in the 5 year supply, which it calculated at 2,203 dwellings.
12. Further calculations have been submitted by the main parties following the inquiry which take the Framework's 5% buffer into account. The appellants have also put forward an additional set of calculations based on an increased buffer of 20%, which the Framework advises should be provided where there has been a record of persistent under delivery of housing. However, taking into account the District's completions in the last 5 years as being most relevant, the pattern of fluctuations both above and below an annual requirement of 470, and a total shortfall of around 360 dwellings during this period affected by recession, does not amount to such a record.
  13. Additional differences have arisen with respect to the treatment of windfall sites, having regard to the advice in the Framework that an allowance may be made for these if an authority has compelling evidence that such sites have consistently become available in the local area and will continue to prove a reliable source of supply. Discussion between the parties has resulted in elimination of some double counting in the Council's original revised figures, but there remains a disagreement on the detail of the allowance. With the differing inputs, there is in the final submitted figures a range in the calculated 5 year supply (with a 5% buffer in the requirement) of between 2.35 and 4.59 years. Thus it continues to be the case that the existence of a shortfall in supply against the 5 year requirement is undisputed.
  14. With respect to the source of the requirement, the appellants' position is to use the Gloucestershire Structure Plan Second Review 1999 figure for the District for the period 1991-2011 of 9,400 dwellings, giving an annual requirement of 470. Rolling this forward and adding on the previous under-provision against the requirement and a 5% buffer gives an annual requirement of 863. While the Structure Plan remains part of the development plan, and is reflected in the Local Plan, its housing requirement figure is not based on an up-to-date assessment. The Council's preference is to use its locally agreed requirement figure of 9,350 dwellings for 2006-2026 less completions to date plus 5%, giving an annual rate of 517. The figure derives from the emerging Regional Spatial Strategy for the South West updated by more recent projections. Although the RSS will not now be adopted, this evidence base is more current than that of the Structure Plan, and takes into account previous undersupply against the Structure Plan. The figure remains subject to consultation, but appears to have a sound derivation, and is to be preferred.
  15. With regard to the shortfall in completions against this requirement over the period 2006-2011, there is no definitive guidance or binding local precedent on how this should be treated. However, in view of the emphasis in Government policy on delivery, and with no strong local case for rolling forward the backlog over the longer period, the shortfall should be added to the 5 year target, giving an annual requirement of 565. A third possible calculation of the requirement using the 2008 based ONS predictions gives similar results.
  16. With the Council's figure for existing commitments of 2,371 (which includes a higher allowance for small site windfalls), it is concluded on this basis that there is a current housing land supply in the District of no more than 4.2 years. The proposal at 200 units represents significantly less than 0.5 years supply.

17. Evidence at the inquiry addressed the considerations for deciding planning applications set out in paragraph 69 of PPS3. This paragraph required having regard to: achieving high quality and a good mix of housing; the suitability of a site for housing; using land effectively and efficiently; and ensuring that a proposal is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and not undermining wider policy objectives. The Council accepted that the proposal complies with all of these identified objectives, with the exception of transport and highways matters as an aspect of environmental sustainability, which are dealt with below. The Council's Strategic Housing Land Availability Assessment identifies the site as being suitable, available and deliverable for housing. The main parties properly agree that it is in a generally sustainable location, with education, community and other facilities being readily accessible within the area and within walking and cycling distance. It is also common ground that demand arising from any potential shortage of facilities can be remedied through planning obligations, as considered below.
18. The Framework encourages the use of brownfield land. However, housing development on greenfield sites is envisaged as being necessary in the emerging Core Strategy, and this part of the District is identified as an appropriate location for this. The Core Strategy seeks to accommodate a residual requirement of 3,119 dwellings. While Hardwicke is not identified as a preferred option for further growth, the proposal represents only some 6.4% of this target. The scale of the scheme in this context is relatively minor. The proposed development is not so substantial, nor would there be a cumulative effect of such significance, that granting permission could prejudice the Core Strategy to a material degree by predetermining decisions about the scale, location or phasing of new development which it is addressing. In addition, the Core Strategy remains at consultation stage, with adoption not anticipated until the summer of 2013. It therefore still has some way to progress and carries limited weight.
19. The site was promoted for inclusion as an allocation at the time of preparation of the Local Plan, but this was rejected by the Local Plan Inspector. He was concerned that housing developed on the site would be in competition with the strategic housing allocations. However, there has since been considerable progress in development of the latter, and their prospects do not appear to be markedly vulnerable in this respect, despite the extension to Hunts Grove envisaged in the Core Strategy. The Inspector's further concern about imbalance due to concentration of housing development in this part of the District also no longer applies in the context of the spread of sites anticipated in the Core Strategy. There is no reason to disagree his finding that development of the site, although it is greenfield, would be acceptable in visual terms and a natural and logical extension to Hardwicke if required. The nature of the site would substantially change, which would be perceived especially by local residents, but there would be no overriding conflict with the recognition given in the Framework to the intrinsic character and beauty of the countryside.
20. The development would therefore help address an identified shortfall in housing land supply in the area. The site is suitable for the proposed development, and is in an acceptable location for housing. There is insufficient potential prejudice to the Core Strategy to warrant withholding permission on grounds of prematurity. National policy in the Framework seeks to boost significantly the

supply of housing, and this provides a strong consideration in favour of the current release of the site contrary to the protection given by Local Plan policy HN10.

### ***Sustainable transport***

21. Policy TR1 of the Local Plan refers to sustainable transport. It indicates that permission will be granted for development that deals satisfactorily with a number of issues. The only specified ones in dispute between the main parties are nos. 1 and 2, which refer respectively to the need to minimise travel and to provide access to development via a wide choice of transport modes.
22. The site is located adjacent to the Gloucester urban area, which is one of the locations identified in the policy where development should be focussed. As noted above, the location is agreed to be sustainable and accessible.
23. Detailed points have been raised with respect to the distances to local bus services and the frequencies of these. References are made to the criteria annexed to RPG10. Taking an overall view of the available services, and having regard to the potential of a travel plan to encourage their use and the circumstances of the site's location on the edge of the urban area, these services provide an acceptable level of accessibility by public transport. While the new footpath leading from the site to the north west would be of limited width, an existing wider path is available in that direction across the road and provides a satisfactory alternative. The absence of street lighting on Sellars Road southwards does not appear to give rise to any existing problem and is unlikely to be a serious issue with the use of this road arising from the development. Satisfactory sight lines could be achieved from the new pedestrian and cycle access points along the east side of the site. The proposal would not give rise to any safety issues such as to result in a conflict with policy GE5 of the Local Plan.
24. The location of the site would enable a reasonable choice of sustainable transport modes.

### ***Highways impact***

25. Vehicular access to the development would be from near to the existing School Lane/Sellars Road roundabout at the north end of the site, which would be modified. The main parties agree that, with these alterations, there is no need for improvement to any of the junctions examined in the submitted transport assessment as a result of the predicted traffic impact of the scheme, and there are no material capacity issues.
26. The roads to the south of the site (Church Lane, Pound Lane, Green Lane) have a rural nature, exemplified by some narrow sections only suitable for single way working, an absence of footways and lighting, and intermittent frontage development. They are not statutorily designated 'quiet lanes', but have some of the characteristics of these which are clearly valued by local residents. They are used by walkers, cyclists and horseriders, but also carry vehicular traffic including as an access to the A38 and M5. In this context, and as identified in the transport assessment, there is scope for improvements to conditions on the Lanes by way of traffic calming measures, illustrated by the appellants' indicative scheme comprising works to the carriageways and verges.



27. The main parties have agreed forecasts of traffic flows associated with the development. Different views on the likely flows are taken in local representations, but the forecasts are based on a reasonable expert technical assessment and there is no compelling reason to disagree with them. In the Lanes the forecast maximum increase in am/pm peak hour flows would be an additional 1 vehicle on Green Lane and 44 vehicles each on Church Lane and Pound Lane. The latter would be an increase of some 18% on forecast flows at the opening year of 2016. Under background traffic growth the resultant flow levels would not be reached until 2030, and an erroneous comparison in this respect was made by the County Council as local highway authority in its assessment.
28. However, in absolute terms the maximum change to flows would be about the addition of 1 vehicle every 80 seconds, and flows would remain below a peak of 300 vehicles per hour which can be regarded as a relatively low level. The Council at the inquiry confirmed that it did not allege a safety issue under policy GE5 would arise from this, and there is no firm evidence to indicate otherwise. The environmental impact at this scale of increased use would also be minimal, including the effect on conditions for other road users, even without traffic calming measures. On this basis the proposal would not give rise to an adverse change in the environment of the Lanes or significant effect on local quality of life.
29. The proposal would have an acceptable impact on highway conditions.

### **Planning Obligations**

30. The Framework sets out policy tests for the seeking of planning obligations, and there are similar statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations (2010) which must be met for obligations to be given weight. These tests apply to the submitted obligations.
31. Provision for affordable housing is necessary to address local and national policy requirements and help meet local needs for such housing. A contribution towards education is needed to accommodate the additional pressure on facilities that would arise from occupation of the development. Provision for a travel plan is necessary to encourage sustainable transport use. These obligations are all directly related to the development, and are fairly and reasonably related to it in scale and kind, as well as being necessary to make it acceptable. They can therefore all be given weight in its favour.
32. A further obligation is for a payment of £86,000 towards traffic calming measures on Church Lane, Pound Lane and Green Lane. As set out above, these works would enable an improvement in environmental conditions on these Lanes. However, in view of the marginal effect that the proposal would have on existing conditions, the obligation is not necessary to make the development acceptable in planning terms. It cannot therefore be taken into account in this decision.

### **Other Matters and Overall Balance**

33. Following withdrawal of the Council's reason for refusal on flooding and pollution, the main parties agreed that there are no issues in this respect that should prevent the development going ahead and that the submitted Flood Risk Assessment meets the requirements of PPS25. There is nothing in the new Technical Guidance to the Framework on Flood Risk, which replaces PPS25, to

indicate that a different conclusion should be reached. While there remain third party concerns on this matter, the technical evidence and views of the Environment Agency support the position that the proposal is acceptable on this ground, subject to appropriate conditions.

34. The substance of the objection made by Gloucester City Council is dealt with above under the main issues. With respect to the concern of British Waterways, there is no evidence that there would be a material adverse effect on the adjoining canal or bridge, subject to a condition on treatment of the boundary. On ecology, appropriate surveys have been submitted, and provision can be made within the development secured by way of a condition on biodiversity.
35. There are substantial local objections to the development. These have been taken into account, including the photographic and video submissions, but do not override the findings of the above assessment made on the merits of the proposal in terms of an absence of serious adverse impacts from the development.
36. Having regard to the advice in the Framework, taken overall the proposal is considered to be a sustainable form of development. The Framework sets out a presumption in favour of sustainable development. Policy HN10 of the Local Plan is in significant conflict with the Framework because the preclusion on residential development outside the defined settlement boundary at Hardwicke does not allow for a sustainable development which would help meet a shortfall in provision for the currently identified housing requirement. The advice in the Framework outweighs the inconsistency of the proposal with this element of the development plan and justifies granting permission for the development.

### **Conditions**

37. The application is in outline and appropriate conditions are required relating to submission and approval of the reserved matters. Given the scale of the development it is appropriate for these to be divided into phases. Although only 2 residential phases are currently anticipated, it could be more, and a design code is needed to ensure adequate consideration of the interrelationships between the phases. In order that the development is in keeping with the surroundings, and reflects the Design and Access statement, a restriction on height of dwellings is required. Coordination of infrastructure provision also warrants a phasing arrangement for this, together with provision of fire hydrants.
38. Whatever the final details of the reserved matters, a need can be anticipated for controls on provision of open space, recreational areas and landscaping including protection of retained trees and hedgerows to ensure that these important components are properly provided for within the development.
39. To safeguard highway conditions in the area and provide satisfactory links with the surroundings, requirements relating to temporary and permanent access provision are needed. In view of the scale of the development and likely impact of construction on the surrounding area, implementation according to an approved method statement is warranted, together with control on the hours of works.
40. Potential archaeological interest necessitates investigation of this. The boundary of the neighbouring canal should be properly treated for safety and

security. External lighting requires control in the interests of appearance and amenity.

41. As set out above, the proposal is acceptable in terms of flooding and pollution, but implementation of drainage measures is needed to ensure appropriate provision, together with separate control on recreational areas. In the interests of biodiversity, mitigation and enhancement measures for ecology should be carried out in accordance with the submitted assessments.
42. Differing versions of a condition relating to the carrying out of highway works for traffic calming in the Lanes were put forward at the inquiry. In the same way as found above on the planning obligation on this matter, the works are not required to make the development acceptable, and the condition does not meet the test of necessity. It is therefore not imposed.

### **Conclusion**

43. For the reasons given above I conclude that the appeal should be allowed.

*T G Phillimore*

INSPECTOR

### **Schedule of Conditions**

- 1) No development shall take place until a Phasing Plan and Programme for the development has been submitted to and approved in writing by the local planning authority. The submitted details shall indicate the extent of each phase, the approximate number of units proposed within each phase and the associated timetable of works, and shall broadly accord with the development layout indicated on the illustrative Masterplan R.0234\_03-1D. The development shall then be constructed in accordance with the approved Phasing Plan and Programme.
- 2) Before any development is commenced in respect of any phase approved in connection with condition 1, details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of that phase shall be submitted to and approved in writing by the local planning authority. The submitted details shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, cycleways, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement June 2011 Ref: R.0234.15D and the illustrative Masterplan R.0234\_03-1D. The development shall be carried out in accordance with the approved details.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

- 5) Prior to the submission of any reserved matters application relating to dwellings, a phase related Design Code framework for the whole of the development shall be submitted to and approved in writing by the local planning authority. The submitted Design Code shall accord with the submitted Design and Access Statement June 2011 Ref: R.0234.15D and shall include the following details for each phase: a) a full and detailed design analysis of the surrounding built form and its key characteristics; b) a design approach which reflects and builds on these identified characteristics; c) approximate housing numbers, mix and density, identifying development blocks with an indication of building heights; d) the location of landmark buildings and key frontages; e) the approximate location, number and mix of affordable housing units; f) off-street parking arrangements; g) landscape treatments; h) areas of public open space indicating their function and facilities to be provided and their location; i) access and circulation including footpaths and cycleways. All applications for reserved matters shall accord with this Design Code.
- 6) No single dwelling house shall exceed a maximum of 12 metres in height above ground level, including attic and roof space accommodation, in any phase.
- 7) No development shall commence until a detailed Infrastructure Phasing Plan has been submitted to and approved in writing by the local planning authority. The Infrastructure Phasing Plan shall include the programme for the provision of the following infrastructure both with regard to individual phases, the interconnectivity of each phase and its linkage to the wider external networks: a) highway and drainage infrastructure; b) pedestrian and cycle ways; c) hard and soft landscaping implementation; d) all informal and formal recreation areas. The development shall then proceed strictly in accordance with the approved Infrastructure Phasing Plan.
- 8) Prior to the occupation of any dwelling fire hydrants served by mains water supply shall have been installed in that phase in accordance with a scheme for that phase previously submitted to and approved in writing by the local planning authority.
- 9) The reserved matters referred to in condition 2 shall include further details of the siting, design, external appearance, landscaping, means of access and play equipment for all formal and informal recreation areas at a level that accords with the land areas specified in the approved Design and Access Statement June 2011 Ref: R.0234.15D. These areas shall then be provided in strict accordance with the approved details and the Infrastructure Phasing Plan required by condition 7.
- 10) No occupation shall commence in any phase that includes open space until a Management Strategy for the maintenance and management of all areas of formal and informal space within that phase not subject to adoption by public authorities has been submitted to and approved in writing by the local planning authority. The Strategy shall include details of any Management Company proposed and its terms of reference and long term safeguarding.
- 11) All landscaping schemes submitted in pursuance of condition 2 shall be fully implemented in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the phase

- to which they relate, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the relevant development phase die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 12) No work within an individual phase, including any felling, uprooting, removal or pruning of any tree or hedgerow, shall take place on the site until further details of all trees and hedgerows to be retained within the individual phase have been submitted to and approved in writing by the local planning authority ("the retention scheme"), together with the measures for their protection ("the protection scheme") during the course of construction works. The retention scheme shall accord with the illustrative Masterplan R.0234\_03-1D and the approved Design and Access Statement June 2011 Ref: R.0234.15D and the level of retention contained therein. The protection scheme shall accord with BS5837 "Trees in Relation to Construction".
  - 13) Development shall only be carried out in accordance with the approved retention scheme under condition 12. All trees and hedgerows to be retained shall be protected during the course of construction works in accordance with the approved protection scheme which shall be maintained in its approved form for the duration of the construction phase. Within the protected areas, land levels shall not be changed, no fires shall be lit, no equipment, machinery or vehicles shall be operated, no materials shall be stored or disposed of and there shall be no mixing of cement or use of contaminating materials or substances.
  - 14) No development shall begin until details of a temporary access to accommodate construction traffic have been submitted to and approved in writing by the local planning authority. The approved temporary access shall be completed within 4 weeks of any development commencing on the site and shall be the sole means of vehicular access to the site from then until such time that the approved permanent access shown on plan no. SF/PA/OPT2A rev B has been completed and made available for use.
  - 15) Development shall not begin until full engineering details of the permanent vehicle access arrangements generally in accordance with the details shown on plan no. SF/PA/OPT2A rev B have been submitted to and approved in writing by the local planning authority. No residential unit shall be occupied until those access arrangements have been constructed in accordance with the approved details and thereafter they shall be retained as such.
  - 16) The sole means of permanent vehicular access to the permitted development shall be from the C223/Sellars Road as indicated on Drawing SF/PA/OPT2A rev B.
  - 17) No development shall begin until details of two pedestrian/cycleway links to be provided between the site and Sellars Road have been submitted to and approved by the local planning authority. No dwelling shall be occupied until the scheme as approved is fully operational in connection with the phase to which it relates and thereafter the scheme shall be retained as such.

- 18) No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the submitted plans and constructed to at least basecourse level.
- 19) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be implemented in full prior to the commencement of the development and shall be adhered to throughout the construction period or relevant phase. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction;
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works. There shall be no burning of any waste or other materials on the site, except in an incinerator, in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority prior to the commencement of development;
  - viii. a routing strategy for all construction traffic serving each phase including the designated means of access to the development via the local road network together with associated highway signage.
- 20) No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:30 on Mondays to Fridays, between 08:00 and 14:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 21) No development shall take place within the application site until the applicant, their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation previously submitted to and approved in writing by the local planning authority.
- 22) Notwithstanding the information shown in the submitted plans, prior to the commencement of development, details and an implementation timetable shall be submitted to and agreed in writing by the local planning authority of suitable boundary treatments to be provided along the western edge of the site to prevent the risk of members of the public entering onto British Waterways land and adjoining canal. The development shall subsequently be implemented in accordance with the approved details and thereafter retained as such.

- 23) Prior to the commencement of any phase of the development hereby permitted, details of the external lighting for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme and thereafter retained as such and no other external lighting of any description shall be erected within that phase.
- 24) No development on any phase shall take place until a supplemental drainage and flood strategy to the submitted Flood Risk Assessment dated April 2011 prepared by Phoenix Design and the addendum documentation "Response to Drainage and Flood Risk Comments", for the whole of the development, has been submitted to and approved in writing by the local planning authority. The submitted strategy shall accord with the recommendations of the "Peer review of Flood Risk Assessment and Drainage Assessment" Document 2, dated 27 September 2011 prepared by Halcrow. The supplemental strategy shall amongst other matters include:
- i. Further investigations into the existing groundwater regime and associated soil/ground conditions;
  - ii. Surface water run-off and attenuation measures;
  - iii. Levels and flood routes;
  - iv. Drainage infrastructure (foul, surface water, ground water and SuDS);
  - v. Phasing of the drainage infrastructure; and
  - vi. The adoption and maintenance of the drainage infrastructure.

Prior to commencement of any phase of the development, full details of the drainage, levels and flood routes for that phase, in accordance with the approved supplemental strategy, shall be submitted to and approved in writing by the local planning authority.

Prior to commencement of any phase of the development, a scheme for the adoption and maintenance for drainage infrastructure within that phase, in accordance with the approved supplemental strategy, shall be submitted to and approved in writing by the local planning authority. The scheme shall include details for the adoption by a public authority, statutory undertaker, registered provider or management company together with details of the under-writing of such arrangements.

The development shall then be carried out in strict accordance with the approved strategy and details and shall be maintained as such thereafter.

- 25) No development of phased recreational space as approved under Condition 9 shall take place until detailed drainage proposals for all formal recreation spaces (as defined in the approved Design and Access Statement June 2011 Ref: R.0234.15D) in accordance with the Supplemental Drainage and Flood Strategy approved under Condition 24 have been submitted to and approved in writing by the local planning authority. The submitted scheme shall be prepared in direct reference to Sport England and National Playing Field Association guidance to ensure that such areas can be made available for recreation use and shall include full details as to the maintenance of the drainage infrastructure and its long term adoption by a public authority, registered provider or

management company. The drainage shall then be provided in strict accordance with the approved details prior to the bringing into use of the areas and shall be maintained as such thereafter in accordance with the approved maintenance regime.

- 26) No works of any description shall commence on site until a comprehensive wildlife enhancement and mitigation strategy for the whole development has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include full details of all mitigation measures proposed including the provision of a wildlife corridor in accordance with that indicated on the illustrative Masterplan R.0234\_03-1D, an implementation timetable to protect any species or habitats identified and measures for the future maintenance of any mitigation works/enhancement areas. The strategy shall accord with the recommendations contained within the approved Ecological Assessment Document 4909.EcoAs.v12 dated May 2011 prepared by Ecology Solutions Ltd. The mitigation and enhancement measures shall then be carried out in accordance with the approved scheme and maintained in accordance with the approved maintenance regime.



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Peter Goatley of Counsel                      Instructed by Martin Evans, Solicitor, Stroud District Council

He called:

Mark Baker BSc CEng                      Director, Mark Baker Consulting Limited  
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Michael Muston                              Director, Muston Planning  
BA(Hons) MPhil MRTPI

### FOR THE APPELLANTS:

Anthony Crean QC                              Instructed by Robert Hitchins Limited

He called:

Peter Amies BSc                              Director, Phoenix Design Partnership Limited

Peter Finlayson BSC                              Managing Director, PFA Consulting Ltd  
CEng MICE MIHT  
MCIWEM

Mervyn Dobson MA                              Partner, Pegasus Planning Group  
MPhil MRTPI MRICS

### INTERESTED PERSONS:

John Jones                                      Councillor, Severn Ward, Stroud District Council  
Graham Littleton                              Councillor, Hardwicke Ward, Stroud District Council

Ian Butler                                      Chairman, Hardwicke Parish Council  
David Drew                                      Councillor, Farmhill and Paganhill Ward, Stroud District Council

Anthony Blackburn                              Councillor, North Stroud division, Gloucestershire County Council

## **DOCUMENTS SUBMITTED**

- 1 Council's inquiry notification letter
- 2 Statement of common ground on highways, traffic and transport-related matters
- 3 Appellants' opening submissions
- 4 Councillor Jones's statement
- 5 Councillor Littleton's statement
- 6 Amendments to Mr Baker's proof
- 7 Traffic Advisory Leaflet 3/04
- 8 Agreed statement on 5 year housing land supply calculations
- 9 S106 undertaking dated 28 February 2012 on affordable housing
- 10 Appellants' preliminary cost estimate of traffic calming scheme

- 11 Councillor Drew's statement
- 12 Council's draft condition on highway works
- 13 S106 undertaking dated 31 October 2011 on education
- 14 S106 agreement dated 1 November 2011 on a travel plan
- 15 Appellants' draft condition on highway works
- 16 Average house price figures submitted by Mr Dobson
- 17 Policy H2 of the South East Plan
- 18 Revised draft conditions schedule
- 19 Revised draft condition no. 28
- 20 Draft S106 planning obligation on highway works
- 21 Council's closing submissions
- 22 Welcome Break (and others) v Stroud District Council and Gloucestershire Gateway Limited [2012] EWHC140 (Admin)
- 23 Appellants' closing submissions
- 24 Appellants' costs application
- 25 Council's response to appellants' costs application
- 26 S106 undertaking dated 2 March 2012 on highway works

**Documents received following the inquiry**

- 27 Appellants' comments on the National Planning Policy Framework dated 16 April 2012
- 28 Council's comments on the National Planning Policy Framework dated 18 April 2012 and attachments
- 29 Letter from Councillor Jones dated 13 April 2012
- 30 Letter from Mr Butler dated 10 April 2012
- 31 Letter and attachments from the Council dated 27 April 2012
- 32 Response and attachments from the Appellants dated 30 April 2012

# Wiltshire Council Housing Land Supply

## Appendix 6



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# Appeal Decision

Inquiry held on 11 April 2012 and 21-23 August 2012

Site visit made on 23 August 2012

**by Mike Robins MSc BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 October 2012**

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**Appeal Ref: APP/Y3940/A/11/2165449**

**Land at Widham Farm / Widham Grove, Station Road, Purton, Swindon, Wiltshire SN5 4EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr C R Cornell against Wiltshire Council.
  - The application Ref N/11/02574/OUT, is dated 28 July 2011.
  - The development proposed is up to 50 dwellings and associated works following demolition of two dwellings (Kilmayne and Perrying, Station Road).
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## Decision

1. The appeal is dismissed.

## Application for costs

2. At the Inquiry an application for costs was made by Mr C R Cornell against Wiltshire Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The proposal for fifty houses is in outline with the matter of access to be determined at this stage. Appearance, landscaping, scale and layout are therefore reserved for future determination.
4. The National Planning Policy Framework (the Framework) was published on 27 March 2012. Following this, the Council reassessed the housing land supply and presented their revised figures to the Inquiry. In the interests of fairness it was necessary to adjourn the Inquiry to allow time for the appellant to consider the revised data. Subsequently the main parties agreed a Statement of Common Ground on housing supply matters, (HSSoCG), signed 15 August 2012, and a second Statement of Common Ground for the proposal, (SoCG), signed 22 August 2012.
5. A Unilateral Undertaking, signed and dated 22 August 2012, was submitted by the appellant under the provisions of the Town and Country Planning Act 1990. This was to address contributions sought by the Council, albeit some remain contested by the appellant. I have considered this later in my decision.
6. The Council set out in a delegated report that they were minded to refuse the application and cited eight initial reasons. Of these the Council confirmed that following the submission of further information and consultation, those relating to ecology, layout and highways had been overcome. Matters relating to planning

obligations, reason for refusal 8, have been addressed through the submission of the S106 Unilateral Undertaking.

## **Main Issues**

7. In light of this I consider that the main issues in this case are firstly, whether or not there are material considerations that would outweigh the development plan presumption against development in the countryside, and secondly, whether or not planning permission should be withheld on the grounds that the proposed development would be premature in relation to the adoption of emerging Development Plan Documents.

## **Reasons**

### **Background**

8. The appeal site is an area of open grazing land to the north of the settlement of Purton. It is outside of the currently identified settlement framework boundary. Purton is an elongated settlement with the majority of houses set along High Street and Station Road, from which the proposed development would take its access. The southern boundary of the site adjoins Pear Tree Close and Glevum Close, both of which are within the framework boundary. To the west lies Locks Lane while beyond the adjoining fields to the north is a railway line with more housing beyond, albeit these lie outside the framework boundary.
9. The proposal would introduce up to 50 houses with a dedicated bus turning area, identified public open space and ponds associated with both ecological mitigation and surface water management. A previous application for 136 dwellings was submitted, which was subsequently dismissed on appeal in 2009<sup>1</sup>.
10. The development plan for the area includes the adopted Regional Strategy, (RPG10), the Wiltshire and Swindon Structure Plan, (WSSP), and the North Wiltshire Local Plan, adopted 2006 (the Local Plan), whose relevant policies have been saved. The Local Plan designates the settlement framework boundary and in Policy H4 sets out that new dwellings in the countryside will be permitted outside the boundary provided they are in connection with the essential needs of agriculture, forestry or other rural based enterprise.
11. In terms of housing supply both main parties accepted that the data and projections found in the adopted development plan are out of date. In this respect revised housing requirements were promoted during the development of the draft Regional Spatial Strategy, (dRSS). This was subject to Examination in Public, incorporation of proposed changes and a version was published for consultation in July 2008. Although reaching an advanced stage, the likelihood of this plan being adopted is considered extremely low in light of the Secretary of State's avowed intention to revoke Regional Strategies, and the enactment of the Localism Act, which prevents further Regional Strategies from being created.
12. In response to the Government's position on Regional Strategies, the Council indicated that they moved to reconsider the housing requirements for Wiltshire to inform an emerging Core Strategy, (eWCS). This document has now reached a relatively advanced stage with a resolution by the Council and its submission for examination. The Council's ambitions for this plan to be adopted by the end of

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<sup>1</sup> APP/Y3940/A/09/2107373

2012 or early 2013 may, however, be questioned in light of recent concerns and a need to re-consult.

13. Notwithstanding this the Council point to an extensive consultation process involved in the development of the evidence base and suggest that the eWCS is preferable, both in terms of the housing requirement and the strategic approach to delivery, to either the out of date WSSP or the figures promoted in the dRSS.
14. The appellant raised concerns over the weight that should be afforded to the eWCS in light of objections to proposed housing numbers, declaring a preference for the publicly tested dRSS. However, the appellant goes further, suggesting an additional proposition that irrespective of the housing land supply position, the proposal represents a sustainable development. As such it should benefit from the Frameworks' presumption in its favour, in light of a contention that the development plan policies are out of date.
15. While this proposition raises other concerns, which I address later, in light of my first main issue it is necessary to consider the housing land supply issue on the basis of the evidence available at the time of this Inquiry.

### ***The 5-year housing land supply***

16. The main parties agreed the HSSoCG, which reflected on areas of agreement, including dates, calculation methodology and some elements of available sites. Areas of disagreement and implications in terms of three broad scenarios associated with the WSSP, the dRSS and the eWCS were set out. On the face of it, the Council's projections suggest that a 5-year housing supply is available for all scenarios except the dRSS requirement for North Wiltshire. The appellant's projections, however, suggest that a 5-year supply is not present for any of the remaining scenarios, except that of the dRSS requirement for the Rest of North Wiltshire, (RoNW), and even then they consider this insufficient when assessed against the Framework requirements for a buffer.
17. The Framework has changed the way housing supply can be looked at in terms of what allowances can be made, the inclusion of sites and the introduction of a 5 or 20 percent buffer, depending on past performance. There also remain fundamental differences between the main parties with regard to included sites, the preferred area of assessment and the preferred housing demand figures. I will address each in turn.

### *Sites*

18. The Council case relied on data from its Annual Monitoring Report (AMR) but presented updated figures which included changes they identified in the Framework, notably in paragraphs 47 and 48. This included permitted sites, previously discounted in absence of evidence in the AMR, and windfalls. The agreed methodology separates the housing supply into eight components. Although the HSSoCG presents the data across a number of different areas, as an example, if Wiltshire is considered as whole then the parties differences with these components are as follows: small sites, 68 dwellings; large permitted sites, 134 dwellings; sites subject to S106, 193 dwellings; outstanding local plan sites, 69 dwellings; Vision Sites, 150 dwellings; strategic sites, 2047 dwellings; previously discounted permitted sites, 704 dwellings and windfalls, 678 dwellings.
19. Thus the appellant suggests a difference between the Council's housing supply and their own of some 4,045 dwellings, made up in part by site specific

differences and in part by a disagreement over which elements should be included. Some 80% of the difference relates to the strategic sites, the Vision Sites, windfalls and previously discounted sites.

20. The Council refer to paragraph 47 of the Framework and its footnote regarding the inclusion of strategic sites, specifically allocations in the eWCS. This paragraph seeks to significantly boost the supply of housing and requires that local planning authorities should *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area'*. It specifically includes *"key sites critical to the delivery of the strategy over the plan period"*.
21. The footnote sets out a definition for specific, deliverable sites: that they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect of delivery within five years. While on the face of it the requirement for sites to be available now would appear to preclude sites without permission, the definition continues by addressing permitted sites directly. In order for strategic plans to be put in place to address the housing supply, I consider that allocated sites can be included, including those within emerging plans, subject to the weight that can be given to that plan and its evidence base and the submission of information indicating a reasonable likelihood of them progressing within the five year period.
22. I accept that where there are outstanding objections to sites, such matters need to be addressed and resolved, however, it is not for me to prejudge the outcome of the eWCS examination. I must decide on what weight I can give to the Council's assertion that these allocations should be included. In doing this it is necessary to separate the weight that can be given to the emerging plan from that associated with the evidence base associated with that plan. While I have been given examples from East Northampton<sup>2</sup> and from Preston<sup>3</sup> where draft allocations have not been included, the relevant weight must be ascribed based on the specific stage of preparation of the evidence base and the evidence supporting deliverability.
23. In this case I consider that exclusion of all the draft allocations is not appropriate. The Council have identified the sites following public consultation and they report that they have been subject to a Sustainability Appraisal. The sites are included within the AMR. While I note the appellant's concern over the recent appeal decision in Malmsbury<sup>4</sup> the Inspector in that case also accepted the principle of including strategic sites. The Council relied on this decision to support their position that the sites were available and deliverable. The appellant referred me to a slightly earlier decision by the same Inspector<sup>5</sup> which discounted draft Local Plan sites, however, it strikes me that this differs in the progress of the emerging plan and the evidence therefore available to the Inspector. The decision clearly refers to the need for consultation and representations on the emerging plan.
24. I accept that until planning permission is secured and the sites are built out, the housing supply from the sites cannot be guaranteed. Nonetheless to exclude such sites risks Councils having to plan to meet housing supply in a dynamic market on the basis of only sites with planning permission or from relatively old plans. This would risk devaluing the process of strategic planning. While full weight cannot be

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<sup>2</sup> APP/G2815/A/09/2108495

<sup>3</sup> APP/N2345/A/11/2145837

<sup>4</sup> APP/Y3940/A/11/2159115

<sup>5</sup> APP/Q4625/A/11/2157515

given to the precise numbers put forward by the Council, I consider it reasonable to include these sites in absence of specific evidence that they cannot be delivered.

25. Turning to Vision Sites similar arguments apply, albeit that they are not formally proposed as allocations. They are included in the AMR and the eWCS sets out a specific policy for their delivery. The Council presented evidence that two sites, Foundary Lane and Hygrade Factory, while not currently having permission, are likely to be delivered within the five year period. While there may be some matters to be resolved on these sites, and the appellant points to part of the Foundary Lane site and the Hygrade site as being still partly occupied, this does not mean they cannot be delivered. On balance I consider that the dwellings associated with these sites can be included.
26. The Council have included windfall sites in their 5-year housing supply figures for the first time following the publication of the Framework. Paragraph 48 identifies that windfalls may be allowed for in the 5-year supply subject to compelling evidence. While initially a significant additional element was introduced to the Inquiry in response to the Framework, this has subsequently been altered. The Council have provided evidence of their methodology which I consider show that they have correctly excluded residential gardens from their assessment. The remaining figure has been accepted by the appellant in evidence as being reasonable, however, its use in meeting housing demand has not been accepted.
27. It was argued that as windfalls have not been previously relied on, to do so now would alter the strategic fit of demand and supply previously planned for, thus they should be added instead to the housing requirement. To rely on them now would, the appellant contends, reduce the allocations and impact on the delivery of affordable housing.
28. To my mind this is contrary to the Framework's acceptance of their inclusion in the 5-year supply. The debate over whether the strategic approach would still meet the affordable housing need must be had at the eWCS Examination. I am satisfied that the Council has provided evidence that windfalls will continue to offer a reliable supply and their approach has been conservative. Consequently I consider that in this case they should be included in the assessment.
29. Turning to site specific elements, the Council have included dwellings associated with sites which have planning permission but were previously excluded from the AMR in the absence of evidence. This has been done in response to the footnote to paragraph 47 of the Framework, which says "*Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years,..*"
30. In cross examination the Council accepted that Royal Arthur Park was not for market housing but for C2 use and should not be included for WSSP or dRSS calculations. While this may meet a defined need in the emerging plan going forward I am not convinced on the evidence before me that it is acceptable to include this within the housing supply calculations. Furthermore I note the inclusion of a number of dwellings associated with small sites which previously had been excluded from the AMR. While I accept that there is no specific evidence that these sites will not be delivered, their exclusion previously was in light of historic trends and an assessment of the likely delivery of such sites. Although generic in its approach, I still consider that it is reasonable to conclude that this



would represent clear evidence that a similar level of small sites will not be delivered going forward. These should be excluded from the assessment.

31. Of the remaining contested sites, Gerard Buxton Sports Ground was set out as delivering 168 dwellings but the appellant suggested that this should be excluded as the sports ground remains in use. The AMR identifies that the development is phased and this was supported in evidence from the Council, who reported recent confirmation from the developer that the relocation of the sports ground would be phased with the development and the expected development rate would be met. I am satisfied that this should remain in the assessment.
32. The former Bath and Portland Stoneworks has a long planning history but in light of a recent application to extend the 2008 permission I see no reason why this should not be included in the assessment in accordance with the Framework definition. The Custom Transformers site was suggested to have consistently not delivered, however the Council evidence confirms that construction is underway; this site should be included. In relation to the Brynards Hill site, while it is apparent that at the base date for the assessment permission only existed for 100 dwellings, the additional 26 are confirmed to be deliverable within the five years in the AMR, which identifies 150 dwellings in total. On the evidence before me it appears likely that the additional dwellings were identified in the housing trajectory and could legitimately have been included.
33. The site south east of Woodmand was reported by the appellant as unlikely to commence but was confirmed by a Council officer visit in February 2012, as being under development. Similarly, the site at Blue Hills, was confirmed as underway although only for 36 dwellings. For the sites at Quemerford House and Rudlow Manor, the appellant suggests there is no certainty on delivery, however, I have no specific evidence that the dwellings will not be delivered and therefore they should be included.
34. A small reduction was made by the appellants to the delivery of dwellings at Rylands Sports Ground, but no evidence given to support this. Finally, the Chicken Factory site was confirmed to now have outline permission and a conservative estimate of delivery put forward by the Council. I consider that these also should be included.
35. Box Wharf was acknowledged as C2 use by the Council and should be excluded. To understand the implications of these changes to the proposed figures the other matters of contention between the main parties now need to be considered.

#### *Housing Requirements*

36. The HSSoCG provides agreed housing requirement figures for the various scenarios. While the appellant prefers the dRSS figures, the Council consider that those developed as part of the evidence base for the eWCS should be preferred.
37. While the future adoption of the dRSS is considered extremely unlikely, the evidence base that underpins the housing requirements is capable of being a material consideration. The weight that can be given must, over time, erode as more recent growth projections, housing needs and community planning initiatives influence the understanding of housing requirements, however, the dRSS remains the only publicly tested figures before me.
38. The Council have outlined the stages they have gone through in preparing their eWCS. While the process of community involvement, capacity analysis,

consultation and review are acknowledged, the headline figure of 37,000 and the underpinning strategic distribution are the subject of outstanding objections, specific elements of which have been detailed in evidence. While I have nothing to suggest that the plan is unsound, I can not give significant weight to it in accordance with paragraph 216 of the Framework. Furthermore it is clear that there are likely to be delays in the Examination and therefore subsequent adoption of the Strategy.

39. This is not therefore, as the Council set out, a simple case of 'a stark choice' between the dRSS and the eWCS. Although I favour the dRSS figures at this stage, which furthermore provide a conservative approach to ensuring the adequate provision of housing, I must give some weight to the emerging evidence base in light of its more up to date projections and the extent of more local engagement in assessment of needs.
40. I do not consider that the Council's case is weakened in any way by their previous reliance on the dRSS over the eWCS in earlier appeal decisions. I consider this entirely appropriate in light of the relatively early stage of the process the strategy would have been at. Furthermore while my approach on this is less supportive of the eWCS than that reached by the Inspector in the Malmesbury decision, I am not aware of the evidence that was presented at that time in relation to possible objections to the strategy.
41. The Framework has introduced a requirement that housing supply is considered in light of a buffer to ensure choice and competition in the market. The Council suggested that this should only be applied for forward planning and plan making purposes and should not apply for decisions on housing applications. They draw on the reference to the buffer only being set out under paragraph 47 and not 49. On the evidence before me I do not consider that this would provide the robust support necessary for the significant boost in housing supply sought by the Framework.
42. Consequently I must consider whether there has been a record of persistent under delivery which would indicate a need for this buffer to be 20% rather than 5%. The appellant suggested that the Council have failed to meet the requirements, when assessed against the dRSS, for at least three of the last five years. However, I support the Council in their view that this is too simplistic an approach to under delivery. The Council showed that over the period they achieved in excess of 80% of the requirement at a time when the dRSS introduced a significant step change in housing delivery. Housing delivery must, by its nature, be variable and a steady year on year delivery is unlikely to be achievable. On balance I consider that the evidence before me does not indicate a persistent level of under delivery and the 5% buffer should be applied.

#### *Area of Assessment*

43. As the strategic planning approach has changed, different areas have been identified against which to assess housing. The WSSP, acknowledging the predominance of Swindon and Chippenham, promoted a disaggregation approach, with the appeal site and Purton lying within the Rest of North Wiltshire (RoNW). This was in effect continued in the dRSS where housing requirements for the former North Wiltshire District (NWD) were addressed, and a similar remainder area excluding Chippenham and the west of Swindon, could be inferred. The eWCS redefines new Housing Market Areas, HMAs, and a tier below these of

Community Areas (CAs). Purton and the appeal site would lie within the North and West HMA, and within the Royal Wootton Bassett and Cricklade CA.

44. The previous appeal decision on this site, which referred to two other decisions in the area, supported the principle of the disaggregation approach, noting it was reasonable given the way targets were being set in the dRSS. However, the appellant pointed to later appeal decisions where the approach was not considered valid. These include Sandpit Road, Calne,<sup>6</sup> and appeals at Brynards Hill, Royal Wootton Bassett<sup>7</sup>. These, however, all appeared to consider both the former NWD as well as the RoNW. At Brynards Hill the decisions focussed on the RoNW and the Council's inability at that time to confirm a 5-year housing supply.
45. At Sandpit Road, the supply against both the areas was debated. In light of what was identified at that time as a serious shortfall in the NWD, only 2.7 years, the Inspector considered the scheme necessary to respond to this and support longer term delivery in the RoNW area. While this led to a High Court case<sup>8</sup>, the Council's challenge against that decision was not upheld, but the judgement was confined to deciding only whether the Inspector's decision was irrational and not whether it was right or wrong.
46. All these decisions were taken at a time when the eWCS was at a very early stage and significant weight was given to the dRSS. The dRSS set out its spatial strategy as follows: *"To accommodate and manage growth in the most sustainable way, most new development will be provided for at Strategically Significant Cities and Towns (SSCTs). Provision for more limited development will be made at market and coastal towns and in small towns and villages where this will increase self-containment and promote stronger communities."*
47. To my mind this approach is relatively consistent across the development plan, through to the eWCS, with increased acknowledgement of the need for some growth in the rural areas which responds to and meets the needs of the local community, and an acceptance that there needs to be some measure of flexibility to assist in delivery. The Council suggest that this is what is achieved in relation to the eWCS and the HMA and CA approach.
48. Purton lies in relatively close proximity to Swindon but remains a settlement in its own right. It is a somewhat dispersed settlement and has a limited range of shops and facilities other than the school. I visited the other centres locally of Cricklade and Royal Wootton Bassett. Cricklade was more clearly a market town with a well defined centre and range of shops, while Royal Wootton Bassett was a settlement of a notably higher order in terms of size and facilities.
49. Purton's acknowledged vulnerability as a settlement providing a dormitory function for Swindon is clear, and irrespective of which strategic approach to housing delivery is considered, it does not lend itself as a location which would meet the wider needs of the district, in the same way that Calne and Royal Wootton Bassett could.
50. Albeit the eWCS strategic approach of HMAs responds to the Framework, the weight I can give is significantly limited by the fact that it has yet to go to formal Examination. Accordingly I consider that an assessment based on the RoNW remains a material consideration of some weight.

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<sup>6</sup> APP/Y3940/A/09/2108716

<sup>7</sup> APP/Y3940/A/09 215331/2 and APP/Y3940/A/10/2141906

<sup>8</sup> CO/2683/2010

*Conclusions on the 5-Year Housing Supply*

51. It has been necessary to carefully consider the housing requirement and supply situation in Wiltshire as a result of the changes being introduced at both national and local level. My conclusions are by necessity based on the evidence put before me and can in no way prejudge the outcome of the eWCS Examination in Public which may take place later in this year or early 2013.
52. I consider that the principal assessment should be made between the housing requirement for the RoNW and the housing supply presented by the Council, amended in response to the evidence provided at the Inquiry. This must be further considered in light of the housing demand across North Wiltshire and the emerging strategic approach for the North and West HMA. I have summarised this in the following table:

Plan / Policy	Housing Requirement	5-year Housing Requirement	Housing supply <sup>9</sup>	Assessment (years)*
dRSS Rest of North Wiltshire	3,024	1,008	1522	7.5
dRSS North Wiltshire	10,684	3,549	3052	4.3
eWCS North and West HMA	15,249	5,083	6292	6.2

\*5.25 years required to meet the 5% buffer

53. This indicates that the appellant's proposition that even using the eWCS figures the Council cannot demonstrate a 5-year housing supply is not well founded. The Council have shown a 5-year housing supply relative to the RoNW dRSS figures and the eWCS North and West HMA, but have failed to demonstrate adequate supply for the dRSS North Wiltshire area. As set out above, I consider that the weight that can be given to the dRSS figures is somewhat lessened by the length of time since their preparation and examination, but also that the weight I can give to the emerging figures is similarly limited.
54. Nonetheless, although the exact numbers cannot be relied on, I am satisfied that the resulting figures indicate that within the context of a strategic approach focussing sites on larger settlements or a housing market area that responds to the existing settlement pattern rather than political boundaries, the Council have demonstrated a 5-year housing supply. Furthermore I do not consider that the 4.3 years, set against an expectation of 5.25 years, represent a serious shortfall in the former North Wiltshire District, such that there is an overwhelming need for development to meet this specific demand.
55. In such circumstances I consider that there is sufficient evidence to support that, for this location, a 5-year housing supply has been shown.

<sup>9</sup> Revised in light of my finding on sites above.

### ***Presumption in Favour of Sustainable Development***

56. The Framework introduced a presumption in favour of sustainable development; that proposals should be approved without delay where they accord with the development plan or where the plan is considered out of date. Two propositions were put forward by the appellant, firstly, that in absence of a 5-year housing supply the housing strategy policies of the development plan were out of date, and secondly, that the settlement framework boundary that informed Policy H4 of the Local Plan was out of date.
57. My findings on the 5-year supply set aside the first proposition, and two tests need to be passed for the second; whether the site is sustainable and whether the plan policy is out of date. The Council agreed that the original boundaries were set some 15 to 20 years ago, however, despite the appellant's suggestion that their use was for meeting a housing demand that has been significantly increased since, I consider this too simplistic. The boundaries define settlements, not just to allow for their expansion, but to ensure their containment and protection of the surrounding countryside, an element that remains strongly supported in the Framework and a key element in the assessment of wider sustainability issues.
58. My reading of the previous appeal decision on this site suggests that the boundaries were considered in both the preparation and Examination of the Local Plan in 2006, and while they do not appear to have been assessed against the significant increase in supply sought by the dRSS, they have been against the large increase currently promoted in the eWCS. This process has not led to a redrawing of the boundaries, consequently I do not consider that Policy H4, which they inform, is out of date or fails to conform with the Framework.
59. Sustainability needs to be considered on a spectrum, informed by the accessibility of a site, its relationship to the environment and infrastructure and its delivery against a wider spatial vision. I am satisfied that the site represents opportunities for future residents to access the services and facilities within Purton, albeit the nature of the settlement means that they are some distance away. I also accept that the proposal would strengthen the public transport options. However, its relationship to Swindon and the relative lack of employment provision in Purton would be likely to lead to an increased reliance on the car.
60. On balance I consider that this is a reasonably sustainable site, but one which does not accord with the existing and emerging housing strategy. Despite mitigation to address ecological impacts, it would nonetheless extend the built-up area into the countryside that forms a setting for the settlement. Overall I do not consider that the presumption, as set out in the Framework, applies to this site.

### ***Other material considerations***

61. The appellant identifies that there is an unmet need in Purton for affordable housing and that such a need can only be met by larger scale housing schemes that trigger an affordable component. This is accepted in principle by the Council although the Parish Council points out that other development in the parish is bringing forward affordable housing.
62. Notwithstanding this I consider that the provision of 15 affordable houses as part of this scheme represents weight in favour of the proposal.

63. The proposal would contribute to economic growth and the appellant confirmed interest from housing developers which suggests the site would be developed. I also consider that this weighs in favour of the proposal.
64. The proposal also offered an element of highway and footpath improvement and contributions to address Council concerns over infrastructure impacts. The local road improvements would have a limited benefit to the community although the infrastructure contributions, which I consider below, only meet or address perceived direct impacts and should therefore be considered as neutral.

### **Conclusion on the First Main Issue**

65. I have found that the Local Plan presumption against development outside of settlement framework boundaries remains a relevant policy consideration. The proposal conflicts directly with this policy. The Council has demonstrated a 5-year housing supply relative to this location and no support is found for this development in the spatial strategies, either existing or emerging. While I note the benefit that will arise from the scheme in terms of affordable housing I do not consider that this outweighs the policy presumption. The proposal therefore fails to comply with Policy H4 of the Local Plan.

### **Prematurity**

66. The Council consider that the proposed development would not conform with the emerging settlement strategy, and in particular the strategic approach to development within the Royal Wootton Bassett and Cricklade CA. In this, Purton is identified as a Large Village. Core Policy 1 and 2 of the eWCS sets out this strategy, stating that development at Large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Core Policy 2 considers that proposals outside of the identified limits of development will only be permitted where it has been identified through community-led planning policy documents.
67. This position was reinforced by the Parish Council, the local Unitary Councillor and the representative of Ps and Qs, a local community group, who reflected on the positive work underway on both Parish and neighbourhood planning within Purton. It was identified that the CA Neighbourhood Plan is part of the Front Runners pilot. In this context a need for only 115 additional houses was identified for the CA; as such the proposal was considered to represent a significant proportion of that being brought forward, and was against the wishes of the community and prior to a community led consensus on appropriate locations for development.
68. The Framework does not address prematurity, but a prior national guidance document, The Planning System: General Principles, 2005, does and remains in force. The position this sets out is that prematurity in terms of an emerging development plan document (DPD) may be justified, but only where the proposed development is so substantial, or its cumulative effect would be so significant that granting permission could prejudice the DPD.
69. In terms of the scale of the development, fifty houses would not be a significant additional number in relation to the size of Purton, nor would it be significant when considering the housing requirement or current supply proposed for the wider area, either the RoNW or the North and West HMA. The CA definition and housing requirements are part of the eWCS and I have already noted that this awaits Examination and the weight that can be given to it is limited. In particular a flexible delivery against a minimum housing demand figure suggests that a

direct comparison of the 50 houses against the 115 identified is not a valid comparison at present.

70. I acknowledge the work being carried out in the community to further the Neighbourhood Plan, and the production of the Joint Strategic Assessment for the CA and the initiative of the Parish Council in carrying out surveys, strongly support this. At this time, however, there is no Neighbourhood Plan in place and any that comes through must be in general conformity with the strategic policies in the development plan. While I have considered the impact of the scheme in relation to emerging strategies in the overall balance, at present I do not consider that the proposal could be considered as premature in planning terms.

### **Other Matters**

71. I note there are very real concerns expressed by local residents and interested parties with regard to traffic impacts and flood risk. In terms of traffic, the proposal has been discussed extensively with the local Highway Authority. A traffic assessment using nationally recognised approaches with agreed comparative data was prepared which was specific to the size of the proposal. The scheme is not criticised by the authority or by the Council on this matter.

72. Three issues appear to be of concern: firstly, the access onto Station Road; secondly, traffic through the village, particularly at a pinch point near the Angel Inn and near the parish church to the south east; and thirdly, impacts on the wider area from this and other larger development taking place on the outskirts of Swindon. I drove around the area and can envisage some traffic delays associated with the narrowing of the High Street in the centre of the village, and I noted the poor alignment past the church, albeit this is leading into the country lanes surrounding the area.

73. Current road closures may well have effected my appreciation of the traffic associated with the Swindon development, however, I can understand that while there are more obvious routes for connecting to the major road network, when congested these may be bypassed utilising the minor routes, through Cross Lanes junction, for example, and indeed through Purton. Nonetheless I do not consider that the traffic associated with this scheme can be considered to significantly impact on the wider network. It will add only marginally to existing delays in the centre of Purton, but not to a significant extent sufficient to justify refusal on this matter alone. Regarding the access out onto Station Road, I noted there are a number of other entrances, but the access has been designed with both a suitable form and visibility. I can see no reason to consider that its use would compromise, or increase the risk associated with the use of the other entrances close to the site or indeed present along the road.

74. Turning to flood risk the site is not identified as lying within an area at risk of fluvial flooding. The site is crossed by a small watercourse and some highway drains. At times of significant rainfall, and in light of the underlying geology, I understand that there would be some pooling of water on the site; it is relatively flat and slightly lower than surrounding areas. The development, however, has been accompanied by a flood risk assessment and a surface water management proposal that would use water storage on site in retention ponds and controlled discharge to the watercourse. The discharge would be managed to respond to the equivalent of a 1 in 2 year rainfall event. In effect the site would hold back more water than the run off that may be experienced currently.

75. While I completely understand that neighbouring residents who have also experienced pluvial flooding or the back up of drainage systems would be concerned, I am satisfied that with suitable conditions the proposal could effectively manage surface water drainage with no significant impact on local properties. The control of the discharge of the site should also address the pressure that may occur on downstream culverts associated with the railway and beyond.
76. Such sustainable drainage systems are increasingly common and this proposal has been assessed and accepted in principle by the Environment Agency. While I understand its long term maintenance may be a concern, the systems are for the most part passive and recent legislation properly addressed the responsible authority for longer term control.
77. One other matter was raised related to the 'Inclosure Act', however, this is not a matter that I consider can be addressed through the planning process.

### **Infrastructure**

78. The Council sought contribution for education, libraries, public art, waste collection, cemeteries, transport and public open space. These were based on their Local Plan Policy, forecast impacts and guidance notes or emerging documents.
79. I note that the appellant, although setting out all the requested contributions in a Unilateral Undertaking, challenged a number with respect to the policy basis for their inclusion and their necessity, and the Council itself had concerns over the introduction of a viability assessment clause. Furthermore, the undertaking sought to restrict its terms such that they would only come into effect if they were accepted as necessary in this decision. However, if an appellant submits an executed obligation then it has legal effect, it does not cease to have legal effect simply by including a clause to that effect in the Deed.
80. Such contributions need to be assessed against the statutory tests of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations, 2010. In this case, however, in light of my conclusions on the first main issue, it is not necessary to apply these tests as the Regulation only applies where a relevant determination is made which results in planning permission being granted.

### **Conclusion**

81. This proposal would conflict with the extant Local Plan as it would represent development outside of an identified settlement framework boundary. I have found the development plan to be in accordance with the Framework and that the Council in this case has demonstrated a 5-year housing supply for this location. I do not consider that the weight afforded to the benefits of the scheme particularly in terms of affordable housing, nor my overall conclusions on prematurity and the other matters, serve to outweigh this conflict.
82. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Benwell, of Counsel      Instructed by I Gibbons, Solicitor to Wiltshire Council

He called:

Mrs T Smith BSc(Hons)      Wiltshire Planning Officer  
MRTPI

Mr N Tiley BSc(Hons)      Wiltshire, Monitoring and Evidence

Mr Glass, Mr Moore, Mrs Morgan, Mr Ibbetson, Mr Litherland assisted in the discussion about the S106 contributions.

### FOR THE APPELLANT:

Mr David Manley QC      Instructed by Mr S Harris, Emery Planning Partnership

He called:

Mr M Packer BSc(Hons)      Consultant – PFA Consulting  
CEng MICE

Mr S Harris BSc(Hons)      Associate Director – Emery Planning Partnership  
MRTPI

### INTERESTED PERSONS:

Councillor Jacqui Lay      Wiltshire Unitary Councillor

Mike Bell      Chair of Purton Parish Council

Dr Richard Pagett      Chair – Ps and Qs

## **DOCUMENTS**

- 1 Council's Notification Letter – dated 29 December 2011
- 2 Council's Notification Letter – dated 29 December 2011
- 3 Statement of Common Ground – Housing Supply
- 4 E-mail correspondence – N Tiley to Wigan
- 5 E-mail correspondence – Cllr Lay to T Smith
- 6 Extract Proof of Evidence – Salford APP/U4230/A/2162115/2103
- 7 Council Opening Statement
- 8 Statement - Councillor Lay
- 9 Statement – Mike Bell – Purton Parish council
- 10 Joint Strategic Assessment – Royal Wootton Bassett and Cricklade
- 11 Cross reference for sites evidence
- 12 Copy of press statement – wind farm policy, 21 August 2012
- 13 Extract – South Wiltshire CS report
- 14 Statement of Common Ground
- 15 Signed and Dated Unilateral Undertaking
- 16 Statement - Dr Pagett – Ps and Qs
- 17 Conditions
- 18 Justification for Section 106 obligations
- 19 Comment on Unilateral Undertaking – Wiltshire Council
- 20 Closing Submission – Wiltshire Council
- 21 Closing Submission – Appellant

# Wiltshire Council Housing Land Supply

## Appendix 7



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# Appeal Decision

Inquiry held on 3, 4, 5 and 6 July 2012

Site visit made on 5 July 2012

**by J M Trask BSc(Hons) CEng MICE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 August 2012**

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**Appeal Ref: APP/R3325/A/12/2170082**

**Land to the rear of Wincanton Community Hospital, Dancing Lane,  
Wincanton BA9 9DQ**

- 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 Hopkins Developments Ltd against the decision of South Somerset District Council.
  - The application Ref 11/02835/OUT, dated 8 July 2011, was refused by notice dated 12 October 2011.
  - The development proposed is the erection of residential dwellings, access works, relocation of NHS parking, provision of public open space and other ancillary works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was for outline planning permission with matters of principle and details of access and layout to be determined as part of the application and details of scale, appearance and landscaping reserved for future determination.
3. Following the refusal by the Council, the appellant has amended the proposal. Layout has been reserved for future consideration and there is an amended Design and Access Statement. Also drawings 17083.9900 RevC and IMA-11-002-010 now accompany the application, although, except insofar as they cover matters of principle and access, I regard the details shown as being for illustrative purposes only in my assessment of the scheme.
4. All consultees and parties that showed an interest at the application stage were advised of these changes and I do not consider any party would be disadvantaged by these modifications. I shall therefore consider the appeal on the basis of the modified proposal.

## Main Issues

5. The Council's decision notice contained six reasons for refusal. As a result of the withdrawal of the layout aspect of the application from consideration at this time, the Council no longer has objections in terms of reasons two and three. The Council has also confirmed reason for refusal four no longer applies as the revised masterplan has shown that the pumping station could have an exclusion zone of at least 15m. I have no reason to disagree with the Council on these matters. The Council also considers the Unilateral Undertaking

submitted by the appellant takes account of the concerns in reason for refusal six.

6. Having regard to the remaining reasons for refusal, the evidence submitted and the representations made at the inquiry, I now consider the main issues in this appeal are:
  - i) housing supply;
  - ii) the effect of the proposal on the character and appearance of the area;
  - iii) whether the site is in a sustainable location; and
  - iv) the effect on highway safety and the safe running of the hospital.

### **Reasons**

7. The appeal site is at the end of Dancing Lane, to the rear of Wincanton Community Hospital. It is an agricultural field that is used as rough pasture together with a strip of land immediately to the side of the hospital which is currently used for access to the hospital. The hospital provides services normally expected from a community hospital, including day care services. The proposal includes the construction of approximately 55 dwellings on the field, and a road to provide access from Dancing Lane to the proposed housing development.

### ***Housing supply***

#### *Housing Need*

8. The starting point for consideration of whether there is a five year supply of deliverable housing sites is the target set in the development plan. The development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan review (April 2000) and the saved policies of the South Somerset District Local Plan (April 2006). The local plan is the most up-to-date of these and sets an initial target of 3425 dwellings for the five years up to 2011, but it is common ground between the parties that this target is now out-of-date for the purposes of assessing supply over the next five years.
9. A number of other target figures have been suggested and these include those from the draft revised Regional Spatial Strategy for the South West (RSS), which is the appellant's position, and those in the emerging Local Plan, which is the Council's position.
10. The draft RSS was subject to Examination in Public and the Secretary of State's (SoS) proposed changes have been incorporated in the most recent version which was published for public consultation in July 2008 (Doc 16). This document has been independently tested in public by the SoS and it therefore carries substantial weight. The RSS was not adopted initially due to the need for further sustainability appraisal work and subsequently as a result of the Government's intention to revoke RSS's. The draft RSS gives an initial requirement of 4925 dwellings over a five year period. The figures were based on evidence that included projections from 2003 and 2004, but they were intended to cover the period from 2006 to 2026. The anticipated growth rates were higher than has been achieved recently but, given the Government's aim to improve growth by promoting development, including housing, it is not clear whether this would result in an increase or decrease in the target figures. In

- any event, the SoS considered the RSS would need to be refined to ensure the South West maximises its contribution to the national house building target.
11. The Council has prepared the Proposed Submission South Somerset Local Plan 2006-2028 which includes the Council's current view of the housing requirement. An independent firm of consultants was employed and, based on 2008 Office of National Statistics (ONS) projections, consideration of demographic projection, economic factors and a delivery based approach, a figure of 16,000 dwellings for the period 2006-2026 has been proposed. This is to be compared with the figure of 19,700 in the draft RSS. The figure was subsequently revised to take account of ONS and Business Register and Employment Survey (BRES) projections for 2010 and the Council's recommended figure in the emerging local plan is 15,590. This equates to 3625 over a five year period. Nevertheless, the emerging plan is the subject of pre-submission consultation, which is a very early stage of preparation, and so it carries little weight.
  12. In a recent appeal decision<sup>1</sup> my colleague considered the most reliable indication of the future housing requirement was to be found in the emerging core strategy for that area, rather than the draft RSS described above. Some aspects are similar to this case, including that the growth rate on which the draft RSS forecasts relied "now appears to be so aspirational as to be unrealistic" and that the local household projections were considerably lower than the projections on which the draft RSS figures were based. However, in that case, the emerging core strategy appears to have been further advanced than the emerging local plan in this case. In any event, housing requirement figures should be taken from the most up to date and tested plan.
  13. I have had regard to the provisions of the National Planning Policy Framework (the Framework) in terms of encouraging neighbourhood planning and reducing reliance on centrally imposed top down targets. I acknowledge that the emerging plan includes the most recent assessment by the Council and that the figures were prepared in association with a firm of independent consultants and thus have an element of objective assessment. Also, that the draft RSS figure is expected to be revised, although, despite recent lower assessments, it is not clear whether this would be higher or lower. Nevertheless, the emerging plan has not yet completed the pre-submission consultation or been subject to testing in public and the housing figures cannot be considered to be as robust as those in the draft RSS. The detailed assessment of the housing requirement for the area will be undertaken at the forthcoming examination. However, for the purposes of this appeal, I consider the draft RSS target is the one most suitable to use, as it is the most up-to-date, tested in public and objectively assessed figure.
  14. My attention has been drawn to the recent appeal decision concerning a site at Riviera Way, Torquay<sup>2</sup> where the Inspector included an allowance for vacancies and occupation as second homes. However, this was to translate the number of projected households into the number of dwellings and so a similar allowance is not appropriate in this case.

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<sup>1</sup> Ref APP/Y3940/A/11/2159115

<sup>2</sup> Ref APP/X1165/A/11/2165846

15. In addition to the RSS target the Framework sets out the requirement for an additional buffer to ensure choice and competition in the market for land, of 5% or 20% depending on past performance. 3435 dwellings were completed between 2006 and 2011. Although completions were less than target in three of the five years, this is slightly more than the adopted plan five year target, which was the target in place at the time of delivery. I acknowledge the number of completions is less than the recently emerging plan target, less than the draft core strategy target and considerably less than the draft RSS target. Nevertheless, for the purposes of assessing the shortfall, it seems to me the most up-to-date adopted development plan target in place at the time of delivery is the most appropriate target, and this was reached. Therefore, based on the evidence before me, I do not consider there has been a shortfall for the purposes of determining the buffer. Accordingly, it cannot be the case that there has been a persistent under delivery of housing and so the 5% buffer is appropriate in this case.
16. I conclude the housing requirement for the area is 4925 plus 5% which is 5171. At the beginning of the inquiry, the Council's assessment of housing land supply was that there is sufficient for 4796 dwellings but this was reduced during the course of the inquiry to 4634 to take account of an overestimate of production at Crewkerne. The appellant considers the supply is considerably less.

### *Housing delivery*

#### Larger Sites

17. The differences between the parties in terms of housing supply relate primarily to the length of time required to deliver housing. The appellant's assessment of the time usually taken for the preparation, submission and approval of outline planning permission, reserved matters and applications to discharge conditions, the site establishment, infrastructure, construction of show house complex, marketing and house construction seem to me to be reasonable. However, I would expect some overlap of activities, including the execution of any planning obligation. Thus I would expect the appellant's suggested period of 40 to 54 months for the entire process, or 28 to 38 months from grant of full planning permission or approval of reserved matters to meaningful delivery of homes, to be somewhat longer than would normally be achieved.
18. The Council regularly consults developers to determine progress on sites. Nevertheless, I concur with the Inspector who stated that the number of developers on larger sites affected completion rates and that caution should be exercised where the delivery rates suggested by developers are out of step with the figures in the trading statements of those developers<sup>3</sup>. The appellant has produced evidence to show that developers' trading statements indicate a build rate of 30 to 35 homes per annum per developer per site. The appellant has confirmed that in the last five years they have completed 35 dwellings with 40 in the preceding two years<sup>4</sup>. While this may have been due to increased involvement with commercial developments, it is an indication that the appellant's suggested build rates are not unreasonable.

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<sup>3</sup> Ref APP/X3025/A/10/2140962

<sup>4</sup> Inquiry Document 18

19. The Council have presented figures that show that on some local sites delivery has been at a higher rate<sup>5</sup>. However, this is a small sample when compared to developers' trading statements and includes the spike in deliveries that is likely to have been a result of the final availability of affordable housing grant monies. Therefore these figures are of limited weight. I conclude that the historical delivery rates given in developers' trading statements provide a fair benchmark which takes account of all relevant factors, including commercial considerations.
20. Having regard to the delivery times described above I shall consider the main sites included in the housing supply figures. An application for outline planning permission for 525 dwellings has been made for the Crewkerne Key Site and the Council has indicated that this is likely to be granted. This proposal requires significant infrastructure improvements but the link road is not required until a substantial proportion of houses have been completed. Even so, and even if planning permission were granted soon, it is unlikely that meaningful delivery of housing would commence before 2014-2015. It is not yet clear how many developers would be involved in the development but at the inquiry the Council accepted that their delivery rates were probably optimistic and reduced their assessment by 162 dwellings. In my view, the later commencement of delivery indicates that the total would be considerably less than even this figure.
21. The Lufton Key Site, Yeovil benefits from outline planning permission and reserved matters permission. However, a number of pre-commencement conditions are outstanding and a significant amount of infrastructure is required before the delivery of housing can commence. It is likely that four developers will be involved in developing the site. Thus, although the build rates seem reasonable, given the likely programme outlined above, the Council's expectation of delivery commencing in 2013-2014 is optimistic.
22. The site at Brimsmore, Yeovil has outline planning permission for 820 dwellings and a reserved matters application for 298 dwellings was permitted earlier this year. A limited number of conditions are outstanding but there is some infrastructure to be constructed and, allowing for the construction of show homes and marketing, it is likely that delivery will commence considerably later than in 2012-2013 as suggested by the Council. This would reduce the number of homes delivered over the five year period. Only one developer is involved at this time but it is likely that others will be active by the end of the five year period and delivery could be at the rate suggested by the Council by that time.
23. The site at Yeovil Cattle Market does not have the benefit of planning permission. The owner of the site went into administration in 2010 and there are no outstanding applications for planning permission. Therefore it does not seem to me that there is a realistic prospect that housing will be delivered on the site within five years and it has not been shown that the development is viable. Thus it cannot be included in the housing supply figures.
24. The original planning permission for the site at the BMI Factory, Castle Cary has lapsed, there has been no further application and it has not been demonstrated that there is a firm intention to develop the site. Therefore the site cannot be considered to be available now and viable and cannot be taken as deliverable.

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<sup>5</sup> Inquiry Document 4



25. Construction is underway by one developer at the site at New Barns Farm, Wincanton. There is no indication that another developer will be involved so I consider the build rates anticipated by the Council are high.
26. Drawing these matters together, I conclude that the housing supply from the larger sites would be about two thirds of that anticipated by the Council.

#### Other sites with planning permission

27. The appellant contends that a 10% reduction should be made to take account of the non-implementation of planning permissions. The research undertaken by the Department of Communities and Local Government (DCLG) indicates that in South Somerset the percentage delivery in 09/10 and 10/11 was 71% and in the recent appeal decision at Riviera Way, Torquay <sup>6</sup>, the parties agreed that a 30% discount should be applied, which my colleague accepted.
28. While the Framework requires at least a 5% buffer, this is to ensure choice and competition in the market for land and not to take account of under supply or unimplemented permissions.
29. Historically, a widely practised approach has been to apply a 10% discount to take account of unimplemented permissions. This was the approach followed by the Inspector in the Moat House Farm appeal decision <sup>7</sup>. Since then the Framework has been published and this advises that sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within five years. Despite the general statistics, I have seen no site specific clear evidence that the schemes will not be implemented within five years and so it seems to me that no discount is required.

#### Sites without planning permission

30. The Framework advises that to be considered deliverable, sites should be available now. Accordingly, sites without planning permission should not be included in the supply, except as described below.

#### Windfalls

31. The Framework specifically states that an allowance may be made for windfall sites. The Council has calculated the historic numbers of windfall sites per annum by subtracting the key sites and those on residential garden plots from the number of completions. An allowance for windfalls has then been made taking account of the existing windfall supply which is already included as sites with planning permission. This results in a total number of 717 windfalls which represents about 15% of the Council's total supply and so does not seem to me to be an excessive contribution. However, with no significant changes in circumstances, the number of opportunities for windfall developments coming forward, by definition, decreases in time. While I conclude the historic trend provides compelling evidence that there would be a reliable source of supply in the future, in my opinion a moderate reduction should be made to ensure the allowance is realistic.

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<sup>6</sup> Ref APP/X1165/A/11/2165846

<sup>7</sup> Ref APP/Q4625/A/11/2157515

### Sites under 10 dwellings in size

32. The Council includes 294 dwellings on smaller sites in their calculation for housing supply. Suitable reductions have been made in the calculations for windfalls to take account of sites already coming forward so I do not consider this to be double counting.

### *Conclusions on housing land supply*

33. I have found that the housing requirement for the area is 5171 over the next five years. The Council confirmed at the inquiry that, taking account of recent adjustments, their current revised assessment of housing land supply for the next five years is 4634. Having regard to my reservations above about delivery, I am not in a position to determine the position precisely but it is clear the supply is substantially less than this figure and is probably of the order of a three year supply.

34. I therefore conclude the Council cannot demonstrate a five year supply of deliverable housing sites and that the shortfall is substantial.

35. The Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. I have found that the local planning authority cannot demonstrate a five year supply of deliverable housing sites and in this circumstance the Framework advises that relevant policies for the supply of housing should not be considered up-to-date. Saved Policy ST3 of the South Somerset District Local Plan aims to place strict controls on development of land outside settlement boundaries. In so doing it constrains the locations available for the development of housing and insofar as it is a relevant policy imposing restraint on housing supply, has to be considered out-of-date.

36. This approach is in accord with a recent appeal decision in the Blaby District Council area<sup>8</sup>, where the Inspector found that, although a policy had the objective of ensuring the separation of settlements, nevertheless, it acted as a policy of housing restraint. There was no five year supply of deliverable housing sites and my colleague found that housing applications fell to be considered in the context of the presumption in favour of sustainable development.

37. The Framework also advises that where relevant policies are out-of-date 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 or specific policies in the Framework indicate development should be restricted. I take this into account in my conclusions below.

### ***Character and appearance of the area***

38. The appeal site is adjacent to the settlement boundary on the northern side of the town. There is a housing estate of predominantly semi-detached and detached homes to the south, the community hospital lies to the west and there are trees along the northern and eastern boundaries with some large properties beyond. The site is an agricultural field that slopes downwards to the north and east. It provides a tranquil rural setting to the edge of the town, which is of particular significance for the hospital, but also the properties in Cale Way.

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<sup>8</sup> Ref APP/T2405/A/11/2164413

39. The introduction of a housing estate onto the site would result in the loss of an open field. The houses would be prominent when seen from the properties to the south and from the hospital grounds and would dominate the setting of those developments. The man made structures and activities associated with a housing estate would disrupt the tranquil and rural setting and would be detrimental to the rural character and appearance of this area.
40. There are two protected trees close to the edge of the proposed road near the junction with the existing road. These are substantial trees that have grown together and provide screening of the hospital service area. They make a significant contribution to the character and appearance of the area. Although this is an application for outline planning permission and provisions to protect trees can be controlled by the imposition of conditions, I need to be satisfied that any protection measures would be possible and not give rise to other unacceptable adverse impacts.
41. While the Council has accepted that provisions could be made to protect the trees, and a possible method of minimising any root damage has been shown in the Arboricultural Feasibility Assessment, no dimensions or levels are shown and this method would depend on a relatively high finished road level, which is likely to result in other adverse effects such as restricting access to Verrington Lane. However, other solutions are possible; including some suggested by the appellant, and the most appropriate solution could be determined following further investigation of existing below ground services. The final method chosen would need to take account of existing services as well as the tie-in with the Dancing Lane and Verrington Lane, including achieving suitable road levels. While potentially costly, I am content that this could be achieved. I conclude that this matter could be satisfactorily addressed and controlled by the imposition of suitable conditions.
42. No details of the location of lighting columns have been provided and the effect on trees and landscaping cannot be assessed. On this constrained site, this adds to my concerns. However, the removal of trees near the kitchen to provide a delivery bay and footpath would be unfortunate but not a matter of substantial weight as they do little to screen the hospital.
43. Although some concerns in respect of the protected trees, character and appearance of the area carry little weight or could be addressed by the imposition of suitable conditions, the introduction of a housing estate onto the site would unacceptably detract from the tranquil and rural character and appearance of the area and the setting of the hospital and settlement. I have found that saved local plan Policy ST3 is not up-to-date. However, the proposal would not contribute to protecting or enhancing the natural and built environment which would be contrary to the provisions of the Framework which considers this to be part of the environmental role of the planning system which is aimed at achieving sustainable development.

### **Location**

44. While not a specific reason for refusal by the Council, the Town Council and the County Council have raised concerns about the sustainability of the proposal in terms of the location and the need to travel by private car. Wincanton provides a range of services and facilities and is also a centre for the surrounding rural community. Although there are limited public transport links, the site was

previously considered developable and was included in the Strategic Housing Land Availability Assessment.

45. The need to travel to work is a key consideration. Wincanton has had a high level of self containment and a high ratio of jobs to economically active persons in the past; this is shown in the results from the 2001 census. However, since then two major employers have either left the town or reduced the size of their operations. The cheese packing factory is currently operating but it was confirmed at the inquiry that, while the appellant had been informed there would be expansion; the Council understood operations will only continue until the end of this year. Despite the introduction of other businesses, including those on the business park such as Lidl Foods, the Business Register and Employment Survey show that there has been no net growth in jobs over the last seven years. Nevertheless, there has been a growth in population as a result of considerable housing development and the Council estimates that this has generated a need for more than 500 jobs. Although the Council's Proposed Submission South Somerset Local Plan 2006-2028 attracts little weight, it should be noted that this plan seeks to improve the population to jobs ratio by supporting the development of employment land, particularly at New Barns Farm, while supporting the addition of only 11 dwellings in Wincanton over the next five years.
46. I have taken account of the development of a Travelodge and Marston's Inn in the town, but while these will create jobs, I have seen no details and would not expect them to make a sufficiently large contribution to employment opportunities to meet the existing demand. While the construction of the proposed development would provide jobs in the short term, in the long term the proposal is likely to increase the demand for jobs and the appellant accepted that it is likely that about 86 jobs would be needed to meet the long term demand from the development itself. The Town Council has calculated <sup>9</sup> that the land necessary to provide employment for the additional workers would cost about £240,000, but there is no indication that sum would be forthcoming or, if it was, that the site would be developed. Thus, despite a limited growth in home working, it is likely most jobs would require some degree of travelling to and from work and the lack of jobs in the immediate area would result in the requirement to commute to other centres for work. In order to do this by public transport, future occupiers would need to travel to the town centre.
47. The site is reasonably close to the town centre with its shops, services and public transport links but there is little provision for public transport from the site to the town centre. During the inquiry I walked from the town centre to the site and back and found that the gradient of the footpaths and limited provision of road crossing points made it unlikely that the route would be attractive for use on a regular basis, either on foot or by bicycle, or for anyone who was less mobile or had a push chair, wheel chair or significant amounts of shopping to carry.
48. I conclude that, given the location and lack of realistic alternative modes of travel, future occupiers of the proposed development are likely to be unduly dependent on the private car for access to employment and for many of their daily needs. Apart from Policy ST3, which I have found to be not up-to-date, no reliance is placed on development plan policies in relation to this issue by the parties and nor do I. However, the proposal is contrary to the provisions of the Framework, which aims to minimise the need to travel. I conclude that the site is not in a particularly sustainable location.

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<sup>9</sup> Inquiry Document 27

### **Highway safety and the safe running of the hospital**

49. The proposed access road would pass between the hospital and its plant rooms and bin stores which are accessed frequently by hospital staff. Also, the hospital intends to use mobile screening vehicles in the future and these would be located in the northern car park on the opposite side of the proposed access road to the hospital. While the appellant has drawn my attention to other hospitals where there are much higher levels of traffic than expected in this case, these are large urban hospitals which generate a significant volume of traffic in themselves and do not have access to a residential estate that is not associated with the hospital passing between hospital facilities. Consequently, I shall consider this case in the light of the site specific concerns.
50. The proposed access to the site would be on land currently used for access to the hospital. A safety audit has been commissioned by the appellant and a safety audit<sup>10</sup> of the proposed access has been carried out by Somerset County Council, the Highway Authority. These reach different conclusions on various matters which I discuss below.
51. There would be a double change in direction of the estate access road close to the junction with the access to the hospital northern car park. The slight changes in direction are likely to lead to vehicles cutting across the carriageway and cars entering and exiting the proposed development meeting each other head on. This hazard would be compounded by varying carriageway widths and traffic entering and exiting the northern car park. I accept that the double bend feature can be used as a traffic calming measure but, without provisions to prevent traffic leaving its appointed lane; it seems to me that the proposed access would put highway users at an unnecessarily high level of risk.
52. Visibility splays would be required at the junction of the existing main hospital access and the proposed continuation of Dancing Lane. The design speed for an access road serving residential development would normally be 20mph, but the proposed access would not be within a residential development. Although, based on the appellant's surveys, visibility splays suitable for 25 mph may be appropriate in the current conditions, the proposed extension of Dancing Lane as a well defined public road, rather than part of the hospital, may well lead to increased speeds. The speed limit is 30mph and in these circumstances this seems to me to be the appropriate design speed.
53. Manual for Streets 2 (MfS2) indicates that where circumstances make it unlikely that vehicles will cross the centreline, visibility can be measured to the centreline. While MfS2 also advises that research has shown no evidence that reduced visibility increases the risk of injury collisions, it continues to recommend that visibility splays are provided. Although visibility to the west could be achieved to the centreline, there is no provision for ensuring vehicles do not stray over the centreline and in this case I have seen no other acceptable justification for reducing the visibility envelopes recommended in MfS2. The splay providing visibility to the kerb to the west, even if designed for a 25 mph speed, would pass across the frontage of No 62 and, while this is currently free of obstructions to visibility, I have seen no mechanism for maintaining this situation and I must reach the conclusion that this is not within the appellant's control and therefore visibility could not be maintained by the imposition of a suitable condition.

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<sup>10</sup> Inquiry Document 6

54. Other junction arrangements were referred to at the inquiry but these do not form part of the proposal before me and, without due consideration of potential adverse effects, I do not consider they could be required by condition.
55. Provisions for adequate visibility for vehicles exiting the northern car park may require restrictions on the delivery bay serving the plant rooms. Also, visibility when exiting the small north east car park would be limited when cars were parked in the southernmost spaces and the intricate manoeuvres required to park in the small car park may result in vehicles overrunning the footpath. These factors would represent a risk to highway users, particularly pedestrians using the footpath.
56. There is a section of Dancing Lane, known locally as Verrington Lane, which has been closed off to vehicles and is now used by pedestrians and cyclists. This narrow lane descends steeply. No proposed finished levels are given and the highway authority is concerned that once provisions to protect trees are made, it is likely that the finished level of the road would be much higher than the existing lane, resulting in difficulties in maintaining suitable access along Verrington Lane. However, I have found that it is likely that provision could be made to protect the trees without unduly raising the road level.
57. There are existing hospital buildings on the north side of the proposed estate access road and there would be no space for a footpath so pedestrians using Verrington Lane to access the hospital would need to cross the proposed access road. However, these pedestrians would be agile if they have used the lane and, given the reasonable visibility and limited amount of traffic using the road, while not ideal, this would not represent any unacceptable increased risk.
58. The proposed pedestrian crossing would be some distance from the most direct route to the bin store and the junction with Verrington Lane but would align with an existing pedestrian access in the hospital grounds. The crossing would be close to the access to the main north car park and the small parking area which would increase the complexity of movements in the area, adding to the risk to users of the crossing. The appellant's safety audit recommends the removal of the crossing, which the appellant has offered to do, but I agree with the highway authority that, given the high proportion of elderly or less mobile persons using the area, a formal crossing point would be an advantage. While not ideal, given the constraints of the site and the limited number of vehicles expected to use the estate access road, on balance I conclude the proposed pedestrian crossing would provide acceptable pedestrian access.
59. I have seen no proposed provisions for highway drainage, which is known to be a problem in the area, and, given the constraints of the site, particularly the limited space available, it is not clear that adequate provision can be made. Provisions for the turning of large vehicles are based on the use of car parking spaces and it is not clear how this could be controlled. Given the lack of clarity on measures to ensure adequate drainage and parking provision, it has not been demonstrated that these concerns could be overcome by the imposition of conditions.
60. However, I am satisfied that concerns regarding the provision of suitable road markings, suitable tactile landings at the entrance to the southern car park, traffic regulation orders, emergency access, level of the pedestrian crossing and other details could be overcome at detailed design stage and controlled by the imposition of suitable conditions.

61. There are service connections that link the plant rooms to the hospital and these would cross under the proposed estate access road. However, access to these and continuous supply could be ensured by suitable construction management procedures and I have no reason to believe a detailed technical solution that would meet the highway authority's requirements could not be found. Also, while the northern car park is currently used to rehearse car transfers, I have seen no reason why this could not be done in parking areas on the south side of the proposed access road.
62. The appellant has addressed some outstanding issues by showing some revised road layouts. These include the possibility of retaining the existing build out between Verrington Lane and the access road. However, there are insufficient details to provide sufficient comfort that the concerns identified above could be overcome or that necessary modifications would not give rise to other adverse effects. I acknowledge that in other cases conditions have been deemed a suitable way of addressing these types of matters but I have seen no evidence of that in a comparable situation where existing development and other factors provide such severe constraints to development as in this case. Therefore, apart from the exceptions I have identified, I am not content that for this proposal the matters of concern could be satisfactorily addressed by the imposition of conditions or as part of the agreement required to construct the access under section 278 and section 38 of the Highways Act.
63. The proposed scheme would improve access and highway safety in some ways, for example there would be separate footways, a pedestrian crossing and more formalised arrangements for deliveries. I also acknowledge the appellant's Stage 1 Safety Audit concluded that the proposed access arrangements represented a very low risk even though that was not the conclusion reached by the Highway Authority's audit. Nevertheless, these factors do not outweigh the significant harm I have identified and I conclude the proposal would prejudice highway and pedestrian safety and would not facilitate the safe running of the hospital. The proposal conflicts with saved Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan which require the provision of safe access. These policies are consistent with the policies in the Framework, particularly paragraphs 32 and 35 which say that safe and suitable access must be achieved for all people and that layouts should be safe and secure.

### **Other Matters**

64. A Unilateral Undertaking has been provided by the appellant and includes for the provision of affordable housing, landscaping and open space and contributions towards local facilities, strategic facilities and education provision. However, as the appeal falls to be dismissed on the substantive merits of the case, it is not necessary for me to consider the Unilateral Undertaking, given that the proposal is unacceptable for other reasons.
65. The appellant has a number of other sites in the area including two with planning permission for 27 dwellings and 8 flats where there has been a technical commencement but no further work. Another site, Bayford Hill, has planning permission for 15 dwellings and a further 45 are expected. While the appellant contends the types of dwellings to be built on these sites would be less attractive to the market than those proposed in this scheme, the existing development sites are in a more central location and would provide for a range of types of dwellings. Also, they do not require consideration of the access

difficulties associated with the appeal site. Potential conditions were agreed at the inquiry that would reduce the period for which the planning permission would be extant but that would not prevent commencement and then postponement of substantial construction. While I do not consider it has been demonstrated that the appellant would intentionally fail to progress with the scheme, given the past rate of delivery and the appellant's current involvement in commercial schemes, I consider that there must be some doubt about whether the appellant is likely to deliver the appeal scheme in Wincanton in the next five years. However, this has not been a significant factor in my decision.

66. The Strategic Housing Market Assessment<sup>11</sup> shows there is a net annual affordable housing need in South Somerset of 659 dwellings. The proposal would help to meet this need.
67. While the scheme includes suggested additional disabled parking spaces that would be more conveniently located than those currently on the north side of the road, these would be on hospital land and therefore not within the control of the appellant. Nevertheless the appellant has also proposed an additional 17 car parking spaces within the appeal site for use by the hospital and some of these could be allocated for disabled drivers.
68. I have taken account of all other matters raised including the better provision for mobility scooters but they are not sufficient to outweigh the considerations which have led me to my conclusion.

### **Overall Conclusions**

69. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan in respect of safe access. However, there is a substantial shortfall in the five-year housing land supply and I attach significant weight to this factor. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. As there is not a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. I shall therefore consider whether the proposal represents sustainable development and 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.
70. I have considered the three dimensions of sustainable development, environmental, economic and social, as set out in the Framework. The proposal would help meet the shortfall in housing land supply, contributing to the quality and choice of housing and providing market and affordable housing. I have also found that there is a district wide need for housing land and the provision of housing would support the Government's agenda for growth.
71. However, there are substantial environmental and social disbenefits, such as the harm to the character and appearance of the area, the lack of opportunity to travel other than by use of the private car and the unacceptable effect on highway safety and the safe running of the hospital.
72. I have weighed the factors in opposition to the proposal against the

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<sup>11</sup> Core Document 18



contribution the proposal would make towards meeting the substantial shortfall in the five-year housing land supply and other benefits. I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the appeal proposal would not represent sustainable development.

73. For the reasons given above I conclude that the appeal should be dismissed.

*J M Trask*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr J Burns, of Counsel	Instructed by Ms A Cater, Solicitor to South Somerset District Council
He called	
Ms E Arnold BA PGDip	Strategic Monitoring and Appraisal Officer, South Somerset District Council
Mr C Brinkman I Eng FIHE	Principal Planning Liaison Officer, Somerset County Council
Mr A Collins BA(Hons) BTP MRTPI	Planning Officer, South Somerset District Council

Ms A Cater assisted in the discussion about the Unilateral Undertaking  
Mr A Noon assisted in the discussion about conditions

### FOR THE APPELLANT:

Mr J Cahill QC	Instructed by Mr M Kendrick, Barton Willmore
He called	
Mr M Kendrick BA(Hons) MSc MRTPI	Planning consultant, Barton Willmore
Mr P Greatwood BEng (Hons)	Traffic matters, IMA Transport Planning Ltd

### INTERESTED PERSONS:

Cllr Winder	Chairman Wincanton Town Council, Ward member South Somerset District Council
Mr Downton	Local resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Statement of Common Ground
- 2 Revised pages 68 to 100 of Ms Arnold's Appendices
- 3 Council's Housing Figures for draft South Somerset Local Plan 2006-2028
- 4 Council's calculation of delivery rates
- 5 Appeal decision Ref APP/R3325/A/09/2093947, Bayford Hill
- 6 Somerset County Council Audit Report, email dated 29 June 2012 and 2 emails dated 11 June 2012
- 7 Drgs IMA-11-002-018, 019, 020 and 021A
- 8 Email dated 10 April 2012

- 9 Extracts from Manual for Streets 2
- 10 Email dated 3 July 2012 containing e mail dated 29 March 2012
- 11 Email dated 3 July 2012 containing e mail dated 3 April 2012
- 12 The Draft Regional Spatial Strategy for the South West 2006 – 2026, 2 The context for the spatial strategy
- 13 The draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – for public consultation July 2008. p 118
- 14 CLG household projections
- 15 Panel Report - South Somerset HMA Sub-Regional Strategy pp 179 to 183
- 16 The draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – for public consultation July 2008. pp 125 to 131
- 17 Number of vacant dwellings based on council tax
- 18 Hopkins Developments Ltd output last five years and residential developments five to seven years ago
- 19 Location of Cale House and Bellfields sites in Wincanton
- 20 Pre-Application Surgery 27 April 2010, agenda and supporting documents
- 21 Application for planning permission dated 28 February 2005 (the Brimsmore development)
- 22 Planning Permission for application No 05/00753/OUT (the Brimsmore decision)
- 23 E mail dated 4 July 2012 re second homes
- 24 South Somerset Sustainable Community Strategy 2008-2026 Goal 9: Homes, vacancies
- 25 Empty Homes Strategy – South Somerset empty homes
- 26 Unilateral Undertaking
- 27 Calculation of cost of employment land - Cllr Winder
- 28 E mail dated 5 July 2012 re condition for highway adoption
- 29 Opening submissions - Council
- 30 Opening submissions - appellant
- 31 Closing submissions - Council
- 32 Closing submissions - appellant

## **CORE DOCUMENTS**

- 1 The planning application and certificates submitted
- 2 The Planning Application Drawings
- 3 The technical reports and statements submitted as part of the application
- 4 The County Highways Department’s consultation response
- 5 The Planning Officers report presented to the Area East Planning Committee on the 12th October 2011
- 6 The South Somerset Adopted Local Plan (2006)
- 7 Secretary of State’s Saving Direction dated 22nd April 2009
- 8 The Somerset and Exmoor National Park Joint Structure Plan Review (2000)
- 9 The South Somerset Draft Core Strategy (2010)
- 10 South Somerset Local Development Framework – Annual Monitoring Report (April 2009 – March 2010), 31st December 2010
- 11 SSDC Detailed Assessment of supply that supports the AMR Five Year Supply Assessment
- 12 The National Office for Statistics 2008 Based Household Projections
- 13 Conveyance dated the 4th November 1992 – See appendix A of Rebuttal Poof of Mr Matthew Kendrick

- 14 Council Relevant Appeal Decisions
- 15 DCLG - Land Supply Assessment Checks (May 2009)
- 16 South Somerset's settlement hierarchy workshop discussion paper (April 2011)
- 17 Baker Report 2011
- 18 South Somerset Strategic Housing Market Assessment
- 19 Letter from Steve Quartermain to LPA's dated 6th July 2010
- 20 DCLG - 5 Year Land Supply for Housing in England as at April 2009
- 21 Appeal decision in relation to Picket Piece, Andover, Test Valley District (PINS Ref: PP/X3025/A/10/2140962)
- 22 Appeal decision in relation to Todenham Road, Moreton in Marsh, Cotswold District (PINS Ref: APP/F1610/A/10/2130320).
- 23 Appeal decision in relation to Land at Moat House Farm, Elmdon Rd, Marstons Green (Ref: APP/Q4625/A/11/2157515)
- 24 DCLG - 'Strategic Housing Land Availability Assessments: Practice Guidance' (June 2007)
- 25 South Somerset 2010 SHLAA
- 26 SSDC Letter from Andrew Collins dated the 29th May 2012
- 27 Ministerial Statement 'Planning for Growth' dated 23rd March 2011
- 28 South Somerset's scale of growth workshop discussion paper 29 March 2011 - Consideration of the scale of growth for Wincanton
- 29 Removed
- 30 Housebuilder Trading Statements
- 31 Removed
- 32 South Somerset Local Development Framework Annual Monitoring Report April 2010 - March 2011 (31st December 2011)
- 33 Appeal in relation to land at Sellers Farm, Hardwicke, Gloucestershire (Ref: APP/C1625/A/11/2165865)
- 34 South Somerset Settlement Role and Function Study Final Report April 2009 (Baker Report 2009)
- 35 Estate Roads in Somerset Design Guidance Notes (June 1991)
- 36 South Somerset District Council - Proposed Submission. South Somerset Local Plan 2006 - 2028 (June 2012)
- 37 South Somerset Proposed Submission Local Plan 2006-2028 Consultation Statement (June 2012)
- 38 The National Planning Policy Framework (March 2012)
- 39 Appeal decision in relation to Land off Park Road, Malmesbury, Wiltshire (Ref: APP/Y3940/A/11/2159115)
- 40 Appeal decision in relation to Land at Willoughby Road, Countesthorpe, Leicestershire (Ref: APP/T2405/A/10/2135068)
- 41 Appeal decision in relation to Land West of Sapcote Road, Sapcote LE9 4DW. Blaby District Council (Ref: APP/T2405/A/11/2164413)
- 42 Appeal decision in relation to Land at Area 4 South, Riviera Way, Torquay, Devon (Ref: APP/X1165/A/11/2165846)
- 43 Feasibility Report in respect of Chard Eastern Development Area (February 2012)
- 44 Letter to Chief Planning Officers from Steve Quartermain dated 31 March 2011

# Wiltshire Council Housing Land Supply

## Appendix 8

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## Appeal Decision

Inquiry opened on 30 July 2014

Site visits made on 1 August and 30 October 2014

**by Keith Manning BSc (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 December 2014**

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**Appeal Ref: APP/Y3425/A/14/2217578**

**Land between Ashflats Lane and A449 Mossfit, Stafford ST18 9BP**

- 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 Milwood Land (Stafford) Ltd against the decision of Stafford Borough Council.
  - The application Ref 13/19524/OUT, dated 23 October 2013, was refused by notice dated 21 February 2014.
  - The development proposed is residential development for up to 320 dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural and Preliminary Matters

2. The inquiry sat on 30 and 31 July 2014, before being adjourned to be completed, sitting also on 28 and 29 October 2014. I conducted two separate accompanied site visits, the first to look at the site and its surroundings, the second to look at the proposed access, specifically.
3. The appellant supplied a document list sub-divided into three sections a-c. I have utilised this to list what are effectively all core documents referred to as necessary under the appropriate sub-division and Roman numeral. Documents submitted during the course of the inquiry are referenced ID1, ID2 etc.
4. The application is in outline form with all matters reserved save for access. The master plan accompanying the application is purely illustrative.
5. The description of the proposed development changed between application and appeal reflecting, inter alia, the Council's original request to remove reference to the number of dwellings. As a consequence of discussions and agreements during the course of the inquiry, I adopt the above description for the purposes of this decision. The proposed development necessarily includes the demolition of Lawford House to accommodate the access works.
6. The Residents' Action Group is a Rule 6 party.
7. A completed planning obligation in the form of a S106 planning agreement dated 28 October 2014 was submitted at the inquiry. It variously provides for 30% Affordable Housing, 'Targeted On Site Additional Open Space', Travel Plan arrangements and a financial contribution in respect of its monitoring and review, financial contributions in respect of; sports facilities, transport strategy

implementation contributions, mitigation measures relevant to the Cannock Chase SAC and primary and secondary education.

8. A Statement of Common Ground concerning planning matters (PSoCG)<sup>1</sup> was agreed between the Council and the appellant. The Ash Flats Residents' Action Group ('the Action Group'), a Rule 6 party, was not party to the agreed matters therein.
9. Prior to the resumption of the adjourned inquiry, a Statement of Common Ground concerning highways matters (HSoCG)<sup>2</sup> was agreed between the Staffordshire County Council (SCC) and the appellant. Again, the Action Group was not party to this.
10. Highways matters are not in contention between the Council and the appellant. However, bearing in mind the Action Group's request that I should determine the appeal as if the application had been made to the Secretary of State in the first instance, and its obvious concern in respect of the proposed access, I requested that the appellant should make highways expertise available to the inquiry and that the relevant witness should attend my second site visit. An officer of the SCC, the highways authority, also made himself available at the appropriate time.
11. A supplementary proof of evidence by the appellant's planning witness was circulated shortly before the resumption of the inquiry, but this was formally withdrawn by the appellant at resumption and I place no weight on its content.

## **Main Issues**

12. I consider the main issues to be as follows:-

- Would the proposed development accord with the intentions of the development plan, or would it harmfully conflict with and undermine those intentions?
- If the latter is the case, are there material considerations that, potentially, would outweigh the conflict with the development plan?
- Does the Council have an adequate supply of housing land?
- Are there any other matters, including those raised by third party objectors, which would affect the conclusions to be drawn on any of the above issues?
- On balance, does the proposed development represent sustainable development for the purposes of the National Planning Policy Framework?

13. I canvassed these issues at the inquiry and the parties were in broad agreement that they encompassed the relevant considerations.

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<sup>1</sup> ID1

<sup>2</sup> ID12

## Reasons

### *The site and its surroundings and the proposed development*

14. The site is described in detail in the PSoCG but in brief comprises a low-lying area of essentially rural land bounded at the southern extremity of Stafford town by the M6 and the West Coast main railway line to form an elongated triangle of countryside abutting the main urban area in the vicinity of Moss Pit. Although pastoral in appearance, it cannot be described as tranquil, being heavily dominated by the constant and pervasive influence of the M6, which is periodically supplemented by the passage of trains along the main railway. It is traversed by a public footpath which links Ashflats Lane to the A449 via a rail footbridge and Acton Gate. The latter includes a ribbon of housing development along the main road but immediately to the south the land between the railway and the A449, as far as Junction 13 of the M6, is dominated by warehousing and other commercial development.
15. The residential area associated with Ashflats Lane and Barnbank Lane at the northern end of the appeal site contains houses of varying age and is pleasantly suburban in character. The A449 (Mospit) rises from the housing at Acton Gate towards a bend in the road which accommodates a bridge over the railway and then falls past Lawford House towards the junction with Barnbank Lane. Between Lawford House and Barnbank Lane, the junction with Gravel Lane provides one of the access routes into the residential area to the north.
16. The illustrative masterplan indicates how the proposed development would fit into this context. Emergency access only for vehicles would be provided off Ashflats Lane; whereas the regular vehicular access to the site would be via a priority junction between Gravel Lane and the bridge over the railway, facilitated by the demolition of Lawford House and earthworks to achieve the correct levels at the junction, where the A449 is elevated relative to the proposed housing to the south. Between the proposed housing and the M6 a linear mound would be raised, topped by an acoustic fence and a narrower feature to mitigate sound would be created alongside the railway. A balancing lake would be created at the southern extremity of the appeal sit together with an associated area of habitat for biodiversity. An additional area of land controlled by the appellant outside the application site and outside the Council's administrative boundary (defined by the Pothooks Brook in this locality) is indicated as "potential additional open space".
17. Although it is clear that a significant part of the circa 13.8 hectare site would necessarily be devoted to the mitigation of disturbance potentially caused by the railway and more particularly the M6, I have no specific evidence to suggest that 320 dwellings could demonstrably not be accommodated in an acceptable fashion within the balance of the site, i.e. the net developable area, bearing in mind the range of densities which can be contemplated within usual parameters. I consider the reserved matters process would be perfectly adequate to ensure an acceptable standard of development within the ceiling of 320 dwellings applied for, precisely because it is an upper limit and not a fixed number. In the context of a potential reserved matters application and the 'without prejudice' discussion of potential planning conditions which took place, the appellant agreed that a maximum of four storeys would be an acceptable



constraint upon its ambition to achieve a development up to the specified ceiling.

18. I am conscious that the Inspector who heard objections to the previous (2001) Local Plan in effect considered the appeal site to be outside the confines of the town and part of the countryside.<sup>3</sup> Although the Inspector's concern was specifically with a smaller area of land within the appeal site, the meaning is clear and, as a statement of geographical fact I have no reason to disagree. However, I am also conscious that the M6 and the railway are in themselves dominating linear features that sharply define the whole of the appeal site by forming significant boundaries between it and the largely rural area beyond.

*Accordance with the development plan*

19. The Plan for Stafford Borough 2011-2031 (PSB) was adopted on 19 June 2014 shortly before the inquiry opened. The Site Allocations Development Plan Document (SADPD), which will complement the PSB to complete the planning framework for the Borough, has yet to be adopted.<sup>4</sup> Nevertheless, the PSB has replaced all saved policies of the Stafford Borough Local Plan 2001.
20. The Council's original decision to refuse the application was made while those saved policies were still extant and it is common ground that policy HOU3 of the former local plan and the former Residential Development Boundaries defined therein are no longer part of the development plan and are not relevant to this appeal decision. I have no reason to take a different view.
21. It is also common ground that the former local plan policy HOU3 has no equivalent replacement in the PSB, albeit the policy referred to as Spatial Principle 7 (SP7) addresses the intended location of new development, including new housing development.
22. Paragraph 35 of the Inspector's report on the PSB records that the level of housing provided for therein is not intended as a maximum figure, which might constrain other sustainable and acceptable developments from coming forward. This principle forms part of the common ground between the Council and the appellant.<sup>5</sup>
23. The full range of PSB policies considered relevant by the Council and the appellant is set out in Section 4 of the PSoCG and I specifically refer to these only to the extent that is necessary for the purposes of this decision.
24. It seems to me that the main area of contention between the Council and the appellant in respect of the proposal vis-à-vis the development plan and its intentions centres on SP7, the former alleging conflict and the latter claiming accordance.
25. It is an issue which must therefore be directly confronted in some depth, as the newly adopted development plan is the starting point and accordance with it would (following the statutory requirement reflected in paragraph 14 of the Framework) trigger the presumption in favour of sustainable development and require that permission be granted for the proposed development, unless material considerations were to indicate otherwise.<sup>6</sup>

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<sup>3</sup> Doc 6 paragraphs 6.16.1 – 6.16.4

<sup>4</sup> ID1 paragraph 6.g.

<sup>5</sup> Ibid. paragraph 6.d.

<sup>6</sup> National Planning Policy Framework – footnote 10

26. Conversely, in line with the duty imposed by Section 38(6) of the Planning and Compulsory Purchase Act 2004, conflict with the newly adopted PSB would require rejection of the appeal unless material considerations (including national policy set out in the Framework) were to indicate otherwise.
27. The Council sought to argue that the proposed development fails to meet the relevant criteria set out in the second part of SP7, a policy which, inter alia, anticipates the current time lag between adoption of the PSB and the subsequent adoption of the SADPD and, where relevant, neighbourhood plans.<sup>7</sup> Prior to the establishment of Settlement Boundaries (within which most new development is to be confined<sup>8</sup>) these same criteria are to be used to assess the acceptability or otherwise of individual proposals such as the development at issue in this case.
28. In respect of the second part of the policy, the Council offers no argument that the proposal fails to comply with any of the listed criteria a) to j) save for criterion f) and criterion i), which respectively concern the special character of areas and the loss of locally important open space or other community facilities. However, this is largely a matter of submission rather than evidence.
29. Criterion f) seeks to protect the special character of areas and refers specifically, albeit not exclusively, to important open spaces and views, designated heritage assets and locally important buildings. There is no evidence to suggest that any such specific features that have in any formal document been identified by the Council would be adversely impacted upon by the proposed development. As I have noted, the area around the application site is visually pleasant insofar as it is an agreeable mix of suburban and rural. It is also locally distinctive in the way that places are by virtue of having their own particular mix of topography, buildings and vegetation. However, the use of the term in a policy of this nature must to my mind denote something out of the ordinary which would be adversely affected, in principle, by change in the form of new development, as opposed to ensuring that such change is executed in a manner which observes normal standards of acceptable design and development.
30. Any other interpretation would result in the policy effectively blocking much new development in the context of a development plan which plainly intends to accommodate significant growth, including the use of greenfield sites for this purpose. Moreover, the policy as drafted is not inconsistent with the intentions of the Framework, which itself highlights that development and consequential change is acceptable unless recognised important characteristics and protective designations should prevail to prevent such change. I have no compelling evidence to suggest that the characteristics of the appeal site are in themselves sufficiently special to prevent, in principle, needed development properly executed.
31. Likewise, criterion i) to my mind sets a bar that is sufficiently high to demand some formal recognition and the view cannot be taken that open agricultural land is necessarily regarded as de facto locally important open space. If that were the case, the development of such land would almost invariably conflict with the policy criterion. Nor do I consider it can realistically be argued that the appeal site performs a separation between development on the southern

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<sup>7</sup> PSB explanatory text paragraph 6.65

<sup>8</sup> Ibid. paragraph 6.64

- fringe of Stafford in the vicinity of Ash Flats Lane and the residential and commercial development at Acton Gate that is recognised to be of overriding importance. I have no evidence of any strategic policy to that effect.
32. Bearing in mind the key diagram for Stafford town in the PSB, the appeal site does appear relevant to the green infrastructure network referred to in policy N4 of the PSB. However, I have been presented with no clear evidence that it is to be site-specifically protected as such in its entirety. Moreover, I am conscious that part k. of that policy requires that all new development to which the central concept of the policy is relevant is to be set within a “well designed and maintained attractive green setting” and I see no reason in principle why development on the scale proposed in this instance could not achieve that end, especially if the necessary mitigation of potential disturbance from the motorway and railway were to be designed with that in mind.
  33. For these reasons, I do not consider the proposal would conflict significantly or unacceptably with the intentions underlying criteria f) and i) of SP7. Nor do I have any cogent evidence to demonstrate unacceptably harmful conflict with any of the other criteria listed in this part of the policy.
  34. However, policies are to be taken as a whole in the context of the development plan as a whole and the listed criteria are but one part of that exercise. I therefore consider it necessary to interpret SP7 by reference to all its relevant parts and, in the first instance, the contextual cross-reference to other parts of the PSB is influential to the extent that Spatial Principles SP2, SP3 and SP4 (all agreed to be relevant in the PSoCG) articulate the plan’s intention to apportion development between settlements with boundaries ultimately drawn to accommodate it accordingly. The first paragraph of SP7 specifically singles out housing development in this context.
  35. It can reasonably be inferred from SP2 and SP3 read together that, for sustainability, the County town of Stafford should accommodate the bulk of the total quantum of development planned for to 2031 and SP4 is specific in the case of housing development that year on year around 70% of the Borough’s requirements should be met there, the aim being to thereby achieve 7,000 new completions in Stafford of the 10,000 new dwellings required overall.
  36. I am of course conscious that the housing requirement is not to be regarded as a ceiling and that the plan’s strategy would not be undermined if Stafford, as the top settlement in the “Sustainable Settlement Hierarchy” improved upon the planned performance, in contrast to the trend identified by the Council which tended to undermine the intentions of the previous local plan, as explained in paragraphs 6.41 – 6.45 of the PSB. On the face of it, the intention to re-balance the distribution of housing in favour of Stafford Town weighs in favour of the proposal at issue and, furthermore, it is very clear that to accommodate its needs, including at Stafford, the Council is accepting of the fact that greenfield sites will have to be developed for housing.
  37. Nevertheless, the final paragraph of SP7 reflects the intention of the Framework that, within the context of the important policy objective to boost significantly the supply of housing, the effective use of brownfield land is to be encouraged. This is a core principle of the Framework and the logical corollary, which finds expression in that final paragraph of SP7, is to discourage the unnecessary use of greenfield sites. This is stated in the following clear terms:-

*"Development proposals should maximise the use of brownfield redevelopment sites within the Borough's town and villages to reduce the need for greenfield sites. Only where insufficient sites on previously developed land, in sustainable locations, are available to meet new development requirements should greenfield sites be released." (The emphases are mine.)*

38. This, it seems to me, is a fundamental tenet of the strategic plan for the Borough of Stafford, the PSB, recently examined and found to be sound in the context of relevant national policy expressed in the Framework. That finding in itself is a material consideration of critical importance in support of the principle.
39. The principle is plainly free-standing and applies perforce to the development at issue even though settlement boundaries are not yet defined and all the criteria a) to k) of policy SP7 can, in my view, be satisfied by it.
40. In other words, the final paragraph is not simply a well-intentioned wish added in for its own sake; it is central to the success of the policy and the plan as a whole (as is clear from the intention to re-use brownfield land where possible listed under point i. in the Spatial Vision statement of the PSB). It is not, however, as was confirmed to me at the inquiry<sup>9</sup>, a sequential approach (i.e. 'brownfield first'). Indeed, given the early reliance on the largely greenfield Strategic Development Locations (SDLs), the PSB would be internally contradictory if it was intended to be deployed in that way. Rather it is, on its face, a clear preference for the use of brownfield land for development. Moreover, it is a clear preference that is now enshrined as a policy principle of the adopted development plan and I am obliged to follow it in this case unless it is demonstrably the case that insufficient brownfield sites are available in sustainable locations to meet the plan's development requirements.
41. Patently, the plan's development requirements cannot be met on brownfield land alone. If that were the case, the PSB would not be promoting SDLs that are to serve a very significant proportion of the development needs of Stafford Town and the borough as a whole. However, the PSB must be taken as a whole and it makes specific provision to meet its total requirements for Stafford Town, i.e. 7,000 dwellings and 90 hectares of employment land,<sup>10</sup> inter alia by identifying SDLs to the west, north and east of the town.
42. In the case of housing the March 2013 balance of dwellings required in Stafford Town<sup>11</sup> to meet the plan's intentions, after a 10% discount had been applied to existing commitments, stood at 5,233.
43. Policies identified as Stafford 2, 3 and 4 (SDLs north, west and east of the town) respectively provide for 3,100 dwellings, 2,200 dwellings and 600 dwellings so as to provide for a total of 5,900 new homes, comfortably meeting the requirement for the town as a whole, overwhelmingly on land that is classified greenfield (and assessed as not being of sufficient environmental value to be ruled out by the intention behind point i. of the Spatial Vision). These strategic allocations have been made because it is necessary to do so if the PSB strategy, including that for Stafford Town itself, is to be delivered.

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<sup>9</sup> Inspector's question to Mr Stoney

<sup>10</sup> Tables at paragraphs 6.53 and 6.58 respectively of the PSB

<sup>11</sup> Table at paragraph 6.53 of the PSB

44. Hence, despite a preference for using brownfield land for development needs, substantial greenfield development is anticipated and planned for. Against that background the suggestion that, in the context of the Framework intention to significantly boost the supply of housing, and the recognition that the requirements for Stafford are not to be regarded as a maximum, further greenfield development on the edge of the town, notably at the appeal site, would not be significantly harmful in policy terms appears, at first sight, credible. However, I consider that to be a superficial interpretation of the PSB and national policy.
45. My reasons are as follows: First, despite its emphasis on housing delivery, the Framework promotes an explicitly plan-led system and the PSB has just been adopted following thoroughgoing independent examination. It is the single most important articulation of planning policy locally. The fact that the PSB is but one part of the eventual completed development plan does not diminish its importance or relevance. Case law is clear on that point.<sup>12</sup>
46. Secondly, the recognition that the housing requirement is not a ceiling is an essentially permissive stance. Exceeding the requirement is clearly optional. If, for example, a large brownfield windfall materialised which would blight the local area if left undeveloped, there would be no good policy reason not to welcome housing development, if that were an appropriate solution in all other respects. The same cannot be said of greenfield development over and above what is needed to satisfy the PSB requirements. That in my view is the clear meaning of the final paragraph of policy SP7. It cannot be the intention of the plan to facilitate the development of greenfield land without any form of policy restraint, even pending the adoption of the SADPD and neighbourhood plans. It would be contrary to the intentions of the plan on its face and those of the Framework in any event, which seeks to accommodate development generally whilst, inter alia, boosting housing supply, in a plan-led fashion at the same time as making effective use of brownfield land resources.
47. The fact of the matter is that the insufficiency of brownfield sites in Stafford to accommodate planned requirements has been addressed through the PSB itself, for the duration of the plan period at least, by the allocation of the SDLs. Further, unforeseen, development of brownfield land within Stafford would simply serve to boost housing supply further without offence to the PSB strategy, whereas unnecessary use of greenfield land resources would not sit well with the intentions of the strategy. On the contrary, it would tend to undermine those intentions, especially if it were to be on a significant scale.
48. This conclusion begs the question of the correct yardstick against which to measure “insufficient” for the purposes of the final paragraph of SP7. In my view logic dictates that it can only be the provisions of the PSB itself, on its own terms and not the Framework requirement to maintain a five year supply of deliverable housing sites, which is a separate, albeit material, matter.
49. My reasons for concluding thus are straightforward. First, the policy is not exclusively concerned with making housing land available, or necessarily available within five years; it applies to all development needs, furthermore over a 20 year period. The application of the development plan policy should not therefore be confused in the first instance by erroneously focusing on the

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<sup>12</sup> Bloor Homes East Midlands Limited v Secretary of State for Communities and Local Government [2014] EWHC 754 (See discussion set out in paragraphs 42-64)

important material consideration of the Framework's intentions in respect of deliverability of housing land over any particular five year period. (This could, in theory, be varied at any time during the currency of the adopted plan in any event.) The crucial question is: Does the plan make adequate provision for its new development requirements in sustainable locations, such that additional land (including greenfield land if necessary) is not required to satisfy its basic requirements?

50. The answer in this case, certainly as far housing is concerned, is plainly 'yes'. The plan makes 'available', in the sense it intends, sufficient housing land for Stafford Town (and the Borough as a whole). That is not just my conclusion, but clearly, and importantly, that of the Inspector who examined the PSB. Had he not concluded thus, he would not have found the plan to be sound in the terms required by the Framework.
51. Given that the PSB provides in that sense for sufficient housing land and that the needs of Stafford Town specifically are satisfied by it, then (irrespective of any additional brownfield sites that may well contribute acceptably to the achievement of housing delivery to 2031 in excess of the basic requirement) further greenfield land release in Stafford is not, in principle, necessary and is not therefore permitted by the terms of policy SP7.
52. The PSB Inspector was careful to eschew spurious precision as regards the housing development trajectory, as is evident from paragraph 39 of his report,<sup>13</sup> and the SDLs appear to be generous in aggregate. However, the latter point simply serves to reinforce the conclusion that further greenfield land release for housing in Stafford Town is not necessary for the purposes of the PSB and, although the proposed development is not on the scale proposed at the SDLs, neither would it be a small or relatively insignificant increment of greenfield housing development. On the contrary, it would represent a substantial deployment of greenfield land resources over and above what is currently required or allocated in the plan period.
53. For the above reasons I have no hesitation in concluding that the proposed development does not accord with the intentions of policy SP7 or the development plan as a whole and that it would, moreover, harmfully conflict with and undermine those intentions.
54. In drawing that conclusion, I am conscious that the Inspector who determined a recent appeal at Gnosall<sup>14</sup> found that the greenfield housing development proposed in that case accorded with the criteria of the second part of SP7 but did not explicitly address the final paragraph and I am not party to any submissions that may have been put to him in that respect. In any event, Gnosall is identified as a Key Service Village in policy SP4 which seeks to distribute 12% of the total housing requirement to such locations and, in the context of more than 500<sup>15</sup> new housing sites being required in the eleven Key Service Villages, less development is anticipated in those that are constrained by Green Belt, compensated by more in those such as Gnosall, which are not. Moreover, it is also clear from explanatory paragraph 6.40 of the PSB that such villages will generally have to experience most new development required outside the existing built up areas.

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<sup>13</sup> CD a vii

<sup>14</sup> ID17

<sup>15</sup> Table at 6.53 apportions new provision of 537 housing plots to Key Service Villages

55. The situation addressed by the Inspector in that case was therefore materially different from that prevailing in this case and conflict with the policy only arises, as I have explained, in those situations where the development of greenfield land is unnecessary to the objects of the plan. In my judgement the two situations are not therefore directly comparable and my colleague's finding of compliance with SP7 in no sense requires me to reach the same conclusion in this case. The policy must be applied with discrimination according to the circumstances of the settlement in the PSB hierarchy.

#### *Material considerations*

56. Although I have concluded that there is clear conflict with the intentions of the development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this appeal be determined in accordance with the development plan unless material considerations indicate otherwise.

57. National policy in the form of the Framework, and guidance in the form of Planning Practice Guidance (PPG) are self-evidently material considerations of significant weight. Therefore, whilst the development plan, including its housing figures, spatial strategy and intended settlement hierarchy and apportionment of development requirements between settlements is, and must remain, the starting point, its influence on the outcome of this appeal is necessarily tempered by these considerations, and others, including the Government's growth agenda.

58. The weighing of material considerations in the context of the policies set out in the Framework and the guidance of the PPG is fundamental to determining whether or not the proposed development should proceed. The planning balance must address the economic, social and environmental dimensions of sustainable development, the presumption in favour of which is set out in paragraph 14 of the Framework.

59. Whether or not that presumption is engaged, in a case such as this, where I have concluded that there is clear conflict with the development plan, depends on whether or not relevant policies are out-of-date. For housing developments that assessment encompasses the important consideration of whether or not the local planning authority can demonstrate a five-year supply of deliverable housing sites.<sup>16</sup>

60. For these reasons I conclude, notably because the land availability situation is in dispute, that there are material considerations which have the potential to outweigh the conflict with the development plan I have identified. Whether or not they should do so is a matter I return to in the planning balance following my assessment of the full range of main considerations, including the housing land situation.

#### *Housing land supply*

61. PPG advises that... *"Up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption [of a development plan], in a way that cannot be replicated in the course of determining individual applications and appeals."*

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<sup>16</sup> Framework paragraph 49

62. On the other hand, PPG goes on to advise that... *"Demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in the National Planning Policy Framework, a five year supply is also central to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development."*
63. Housing land availability for the purpose of applying national policy is frequently portrayed by participants in appeal proceedings as an absolute; i.e. simply a matter of fact. In my experience it is not. It necessarily involves informed judgements about the prospects for a multiplicity of sites and that judgemental factor can be very significant in situations where, as here, reliance is placed on a small number of large allocations. The circumstances of this particular inquiry, and the arguments put, necessitate a detailed and unavoidably discursive consideration of practice, principle and probability.
64. The first footnote to paragraph 47 of the Framework defines deliverability for the purposes of five year supply and the starting assumption is that sites with planning permission are deliverable unless there is clear evidence that schemes will not be implemented within five years. This can only mean built out as permitted, because "implementation" of permission in a legal sense requires simply a material start that effectively secures permission indefinitely. Allocations and, where evidence is supportive, windfalls, may also be included in the supply.
65. In this case, the PPG advice regarding examination of the land supply in the context of the adoption of a development plan is especially pertinent. The conclusions of the Inspector who examined the PSB are unequivocal. Paragraph 39 of his June 2014 report is as follows.....
- "Although SBC cannot currently demonstrate a 5-year supply of housing land, this will be rectified when the Plan is adopted, particularly with the allocation of the SDLs, as confirmed in the latest housing trajectory [MM104]; regular updating of the housing trajectory and 5-year supply will help to ensure that the Plan is effective. The revised housing trajectory is only intended as a broad estimate of timescales for housing delivery, using information provided by developers to estimate delivery rates at specific sites."*
66. Paragraph 40 indicates that, on the basis of evidence, the proposed housing provision, including the SDLs on which significant reliance is placed, is sustainable, viable and deliverable. It notes that the first 5-year period will be boosted by a 20% increase in housing supply land supply, identifying sites for over 3,100 dwellings during this initial period. It also notes, amongst other things, that no allowance is made for windfall sites, and some commitments are discounted by 10%. This, he concluded, gave further flexibility.
67. In short, he reported that he was confident that, upon adoption of the PSB (as it happened, promptly, in the same month) the Council would have a robust five-year supply of deliverable housing sites to cater for objectively assessed needs through the medium of an adopted development plan. In the absence of truly compelling evidence to the contrary, it would not be for me to take an alternative view.
68. In any event, the content and tenor of the PPG advice I have quoted above discourages the constant questioning of such findings in appeal proceedings



notwithstanding the clear importance of maintaining a five-year supply once established, a necessity clearly recognised by the PSB Inspector in paragraph 39 of his report, which refers to regular updating. Moreover, paragraph 47 of the Framework itself, in seeking to boost significantly the supply of housing, advocates that local planning authorities should..... "*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing requirements.....*" (The emphasis is mine.)

69. For the reasons set out below, I consider it reasonable to conclude, as a matter of practice, that it is too early to assess with any reliable degree of precision whether or not the Council in this instance is failing in its endeavour to maintain a five year supply. The Annual Monitoring Reports should reveal the reality of the situation in due course, moving forward from the base established, in effect, at March 2014, albeit retrospectively addressed in the context of the newly adopted PSB, through the Council's document calculating the five year supply as at 31 March 2014.<sup>17</sup> (This was published in June 2014.)

70. The Inspector who determined an appeal at Cold Meece<sup>18</sup> since the PSB was adopted considered that, given the PSB had only recently been adopted...

*"it is not entirely unreasonable to expect a settling in period during which the Council's policies and new site allocations will begin to take effect. This is particularly so given the step change in housing delivery which the Council is seeking to achieve. Therefore whilst dwellings may not yet be being completed and offered for sale on some of the larger sites, based on the information before me, it seems reasonable to expect that this will occur during the five year period. Furthermore the publication of an updated land supply statement is evidence that the Council are actively monitoring the situation and is willing to keep the supply of housing under review so as to identify additional sites if necessary in order to address any shortfall."*

71. Those observations are, in my view, apposite. It is important not to lose sight of the fact that, at its core, the Framework promotes a genuinely plan-led system, within which an important object is to boost significantly the supply of housing to meet objectively assessed needs. In default of those needs being delivered through the medium of an up-to-date development plan, paragraph 14 enables decisions on planning applications to be taken in the context of the broader policy embodied in the Framework taken as a whole, including, through paragraph 49, the granting of permission for housing in circumstances where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

72. However, ad hoc reappraisals, by any party, outside the regular annual monitoring promoted by the Framework in the context of a plan-led system are not in my view encouraged or endorsed by PPG insofar as it continually emphasises annual monitoring in the context of plan-led supply. In other words, the statement within it that "*Demonstration of a five year supply is a key material consideration when determining housing applications and appeals*" is a statement that needs to be understood in its proper context, i.e. the Framework and the PPG taken together and as a whole. The latter also states that... "*the National Planning Policy Framework sets out that locally authorities should identify and update annually (My emphasis) a supply of specific*

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<sup>17</sup> CD a xvii

<sup>18</sup> ID18

*deliverable sites sufficient to provide five years worth of housing against their requirements. Therefore local planning authorities should have an identified five year supply at all points during the plan period.* (Also my emphasis) *Housing requirement figures in up-to-date adopted local plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs."*

73. Thus identified needs in recently adopted local plans should not be lightly set aside but it is clear also that identified supply at the time of adoption should be accorded considerable weight and should not be lightly discounted. I conclude thus because the PPG not only advises that consideration of five year supply can be considered and examined prior to adoption in a way that cannot be replicated in consideration of applications and appeals but precedes the point about the five year supply being a key material consideration with the words "By taking a thorough approach on an annual basis, local planning authorities will be in a strong position to demonstrate a robust five year supply of sites." (My emphasis.)
74. Moreover, under the question "How often should an assessment be updated?" the PPG says "The assessment of sites should be kept up-to-date as part of local authorities monitoring report and should be updated yearly." (my emphasis)
75. It does go on to say that... "It should only be necessary to carry out a full re-survey of the sites/broad locations when development plans have to be reviewed or other significant changes make this necessary (e.g. if a local planning authority is no longer able to demonstrate a five year supply of specific deliverable sites for housing)" but the latter circumstance is to my mind, given the context provided by PPG, clearly set in the context of annual monitoring rather than ad hoc review by any party, whether by the local planning authority itself or an individual applicant or appellant. Conceivably, events such as the unexpected refusal of permission on an allocated site critical in itself to the on-going supply may conspire to indisputably transform the land supply situation indicated in any particular annual assessment. This would necessitate a fundamental re-appraisal prior to the next one, but a function of the relevant trajectory would be to indicate sensitivity to such an occurrence and the Council in this case has not recorded any such radical disruption to the trajectory from 31<sup>st</sup> March 2014 taking on board the adopted PSB.
76. On its face, the term "at all points during the plan period" must, clearly, in a literal sense require a five year land supply to be demonstrated at any particular point in any given year. However, given the heavy emphasis on annual and essentially plan-led monitoring in the PPG, commencing with a sound adopted plan, and bearing in mind the timescale of plans, the clear inference is that annual monitoring to demonstrate a robust five year supply should indicate a clear probability that at any point in the forthcoming year pending the next review, there will in reality be a five year supply. This appears to me common sense. Development management on a day-to-day basis would become all but impossible if the five year supply, which is intrinsically dynamic and approximate, had to be continuously, as opposed to

periodically, updated and re-assessed. Moreover, the flow off and flow on to the record of land availability of sites (albeit lapse of permission per se need not lead to automatic exclusion) and new permissions, quite apart from changing assumptions and aspirations by developers and landowners in response to immediate circumstances, has the potential to vary the supply in either direction at any point in time. This is a characteristic that could potentially lead to what could be seen as capricious decision making between systematic and methodologically consistent annual assessments. That would not be in accordance with Framework intentions regarding predictability and efficiency.<sup>19</sup>

77. The appellant asserts that there is no basis in the Framework or PPG for the Inspector who determined the Cold Meece appeal endorsing a settling in period following the adoption of a plan. However, the tenor and content of the PPG advice analysed above is, to my mind, strongly supportive of such an approach. It seems to me that, as a matter of principle and common sense, an adopted plan must be given an opportunity to show it is working before corrective measures are introduced in response to monitoring evidence which demonstrates they are needed. It is the logical corollary of rigorous examination of the statutory plan followed by adoption and regular monitoring thereafter.
78. In this case, the development plan is neither absent nor silent and, bearing in mind that it has so recently been found to be sound and adopted, the burden of proof on appellants to demonstrate that relevant policies are out-of-date is to my mind a heavy one. I accept that the plan is as yet incomplete, but that does not negate its immediate relevance to the proposed development at issue, which, for reasons previously detailed, I consider to be in conflict with its intentions. In such circumstances, the Council, local people, landowners, developers and others should reasonably expect it to be deployed as a *"practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency"*.<sup>20</sup>
79. In short, in the period between adoption and the first annual post-adoption review of housing land availability in Stafford, at least, there can only sensibly be a working assumption that (unless something radical has happened to frustrate the planned-for delivery of housing, or there is compelling empirical evidence that, for example, it is unreasonable to expect the large sites relied upon to deliver at broadly the assumed rates in the circumstances of the relevant region or housing market area, over the relevant period) the anticipated trajectory holds good.
80. This inquiry amply illustrates the difficulties (recognised in PPG, as previously indicated) of attempting to depart from such reasonable reliance on a sound and recently adopted plan and systematic annual monitoring of the type anticipated and advocated by the Framework and PPG. Moreover, I am not satisfied, given the above context, that it is demonstrably the case that the Council does not have a five year deliverable supply of housing land at the present time, notwithstanding that considerable information purporting to contradict the Council's own conclusions in that respect has been adduced and that the appellant notes the broad trajectory examined for the purposes of the

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<sup>19</sup> Framework paragraph 17

<sup>20</sup> Ibid.

PSB ran from April 2013, whereas the current monitoring year commenced in April 2014.

81. In outline, the position is as follows: In general, I am satisfied that the Council's approach to the 20% buffer it applies and the Sedgefield approach is logical and correct. The intention of such a buffer is to compensate in a robust fashion for past under-delivery and the Sedgefield approach aims to eliminate that failing within the first five years of the plan period. The picture would be artificially distorted and inconsistent with that adopted for the purposes of the PSB if an alternative approach were to be deployed. As a matter of best practice, as the appellant points out, the buffer is generally to be applied first but in this case, bearing in mind the compensatory factors (considered below) in respect of the likely reality of land supply, I do not consider this to be critical. It is perhaps regrettable that the Council's land supply as at 31<sup>st</sup> March 2014 was not made available until June and perhaps understandable that the appellant was inclined to focus on what was known by the summer of this year. Nevertheless, the consequence of such an approach is that like is not being compared with like and the information degenerates into little more than a series of snapshots of a dynamic set of circumstances as opposed to systematic measurement and calibration of the land supply situation at a regular annual date, as the Framework and PPG clearly intend.
82. That said, it is necessary for the purposes of this appeal to form a view as to the current situation and the Council's statement of five year land supply as at 31<sup>st</sup> March 2014 seems to me an appropriate starting point. The Council reasonably accepts that some inaccuracies regarding particular small sites suggests a reduction in that component of around 8% over and above the 10% discount applied across the board in that category and that the large sites component ought reasonably to be reduced by approximately 1.75% (on the basis of information emerging since March 2014.) It is noteworthy that a 10% discount is already applied to large sites where specific information from developers is unavailable, but I see no justification for doing so in those instances where the Council is in receipt of relevant information from the developer. The SDLs are potentially more problematic because they are by definition very large sites that are prone to unforeseen delays as a consequence of unexpected interruptions to necessary infrastructure provision, market capacity factors which may vary over time and phasing provisions that may not materialise as planned owing to these and other factors.
83. Nevertheless, although there is a wealth of correspondence from varying sources focusing on particular difficulties at particular times, there is little in the way of detached systematic consideration of delivery rates over a sustained period on comparable schemes in the region and therefore the Council has little option other than to rely on the best estimates of developers' representatives which can differ from other such estimates, obtained at different times and through different channels but nevertheless adduced for the purposes of the inquiry. Moreover, such information, which is typically hedged by qualifications, rarely has the status of commitment in the manner of contracted projects. Such contradictory estimates, judgements and assertions, which include soft information such as reported telephone conversations, are of limited utility in appeal proceedings. The limitations of such evidence only serve to underline the desirability and wisdom of reliance primarily on the more rounded assessments and broader understanding which can be distilled from

the examination of the development plan itself, certainly in the early days following the conclusion of that process.

84. Empirical evidence can subsequently expose trends and events that may not have been foreseen when the relevant assumptions and judgements by all concerned were made. These may indicate either faster or slower rates of delivery than anticipated, with consequences for the five-year land supply and in terms of corrective responses if this is shown to be faltering. In my experience, development plan allocations can be made in the spirit of hopefulness as far as timing is concerned, achieving the spatial outcome sought over a longer timescale than originally hoped for, often due to circumstances outside the local planning authorities' control, and a healthy scepticism is therefore sometimes warranted in reviewing claims of timely delivery.
85. However, from all I have seen, heard and read, including the report of the PSB examination, I consider Stafford's revised claims articulated in the paper produced for the inquiry<sup>21</sup> outside the annual monitoring framework (i.e. taking account of events since March 2014) and in response to the document submitted by the appellant<sup>22</sup> to be as reasonably realistic as can be expected in the absence of empirical evidence, including market-focused assessments over an adequate period of time, to the contrary. And it is noteworthy that a variety of planning permissions and reserved matters applications in the SDLs are contemporaneously being granted and considered and development is already commencing, albeit in a small way in the current year, in the northern and eastern SDLs. Certainly there appears to be no lack of developer enthusiasm.
86. While I accept that all sites are important in the context of five year land supply, the submissions regarding evidence to the effect that some of the Council's small sites records are or could be erroneous regarding commencement or even lawfulness given the need to discharge conditions and the claimed absence of records thereof adds little to my understanding, in that verification would impractically involve visiting all such disputed sites and interrogating all disputed records in a forensic fashion. The more practical approach would be the narrowing down of areas of factual disagreement on the basis of agreement between the parties that plainly did not occur.
87. There are matters yet to be addressed in the Council's monitoring of the 5 year supply if improved consistency and transparency are to be achieved year on year as the five-year supply is monitored and it seems irrational not to include a windfall element given the Council's track record in that respect, or indeed, from henceforth, a C2 element given the advice of the PPG in that respect. While I therefore understand the appellant's criticism that the Council apparently now seeks to introduce such elements in an attempt to reinforce its claim, in the face of challenge, that there is a five year supply, I do not accept that such elements may be discarded as immaterial for present purposes. The fundamental intention of the five year requirement is to consistently prevent needed house-building in any particular area being frustrated by lack of a range opportunity to accommodate a variety of house-builders and market sectors in a variety of locations. The fact that the Council for its own reasons conservatively chooses not to include such a contribution in its annual statement but nevertheless seeks to add it in on an ad hoc basis in response to

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<sup>21</sup> ID4

<sup>22</sup> Appendix X to Mr Stoney's proof of evidence

an ad hoc challenge does not negate its potential contribution, albeit I accept that an approach which is as consistent, comprehensive and as transparent as possible is to be preferred.

88. More fundamentally, however, the fact that the appellant's detailed review of material relevant to the Council's five year land supply is based on what is apparently known or conjectured at various dates in the summer of 2014 makes a true comparison between Mr Stoney's Appendix X and the Council's March 2014 assessment impossible, albeit the Council's response to that seems to me a proportionate and reasoned response. Cognisance of those criticisms levelled by the appellant which the Council felt to be justified reduces the supply from the 5.43 year supply calculated at 31 March 2014 to 5.3 years supply over the period August 2014 – July 2019.
89. However, as I have noted, like is not being compared with like and bearing that factor in mind and also that the intention of a five year supply, as I have also noted, is to prevent frustration of the market; it seems legitimate to me, in attempting to divine the reality of the situation in the context of an ad hoc exercise to depart from the strict constraints of the Council's chosen methodology and consider urban sites deemed 'deliverable' from the Strategic Housing Land Availability Assessment (SHLAA) of 2013 in the manner suggested by the Council's paper submitted at the inquiry.<sup>23</sup> This source of supply is not precluded by the Framework or PPG in circumstances where such sites have a tradition of coming forward and is confined to the Stafford urban area and excludes any such sites elsewhere in the Borough. If added to the Council's agreed reduction in this context to 3,547 plots (c5.3 years supply) this would increase it back to c5.6 years supply ( $3,547 + 225 = 3772$ :  $3772/672 = c5.6$ ). This to some extent mitigates the "loss of headroom" claimed by the appellant's planning witness in relation to small and large sites with planning permission.<sup>24</sup> Unquantified C2 development would also tend to push the supply in the same direction, albeit there is no sense of the magnitude of that legitimate component of supply.
90. In practice, therefore, I consider the reality of whether or not there is a five year supply of deliverable housing turns on the likely performance of the SDLs. Inevitably, this is to a degree speculative and imprecise. Moreover, it goes directly to the conclusions of the Inspector who endorsed the PSB for adoption on the basis that the SDLs were a major component in addressing the Council's need to identify a five year supply.
91. Despite the Council's apparent reservations, there is no evidence to suggest that the developers involved in the SDLs regard the proposed development as in any way threatening to their delivery and, as I have noted, there appears to be a notable enthusiasm for and confidence in their ability to progress them, as is it appears from submissions to the PSB examination hearing.<sup>25</sup>
92. I have carefully considered the PSB Inspector's report and in this context those sections which address the 4 SDLs are particularly relevant. Paragraph 58 sets the scene and paragraphs 61 – 85 and 86 – 100 respectively encompass his conclusions regarding the three Stafford SDLs and the smallest one identified at Stone. Paragraph 68 is particularly pertinent and includes the observation

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<sup>23</sup> ID5

<sup>24</sup> Appendix x to evidence of Mr Stoney

<sup>25</sup> Doc 21 submission on behalf of Hallam Land re Stone SDL

that... *"there is little conclusive evidence which suggests that the anticipated timescales for delivering these SDLs are unduly optimistic or unrealistic."* On the contrary, the Inspector noted, supporting evidence and developer assessment confirm viability and deliverability.

93. Bearing in mind my previous comments regarding the hope invested in large allocations, the danger of treating developer comment as commitment, and the fact that divining the trajectory of their development in any event involves a degree of conjecture by all concerned, there must certainly be an element of "seeing is believing", but in this case the PSB has only just been adopted and it would be in my view premature and unjustified to doubt what was, in the round, concluded as a result of its examination. I have no doubt that in terms of detailed year on year assumptions some SDLs may stall or slow over the course of time.<sup>26</sup> Equally, I have no reason to doubt that others may accelerate, especially if market conditions hold good or improve. But, as yet, no clear verified trend can be discerned as to which is the predominant tendency, and my colleague's observations<sup>27</sup> regarding a "settling in period" remain pertinent in this context, as do those of the PSB Inspector regarding the generality of the housing trajectory and the need to update it regularly to assist the effectiveness of the PSB.<sup>28</sup> These factors also give weight to the PPG advice regarding consideration of the land supply in the context of development plan examinations prior to adoption, rather than in the context of appeal proceedings.
94. I do appreciate that the trajectories set out in the Council's revised assessment appear ambitious, with trajectories for individual SDLs rising to 200, 190, 132 and 70 dwellings per annum for the Northern, Western, Eastern and Stone SDLs respectively over the next five years. However, I have no rigorous empirically based market evidence that such planning assumptions for Stafford as a whole (where growth is the explicit intention) are, in the context of the region or Strategic Housing Market Area, unachievable. (If that were the case, it would in any event simply add weight to the Council's reservations that the appeal site could divert some demand away from the SDLs.) The assumptions have been recently examined and found to be sound and I have no compelling evidence to suggest that market circumstances or expectations have radically altered since.
95. Clearly, if the housing market generally were to suffer a sudden collapse, as experienced in 2008, then those assumptions would have to be radically reconsidered and lapses in performance would be subject to the corrective mechanism built into Framework policy regarding 5 year supply, but as of now, I am not persuaded by the totality of evidence before me that the assumed trajectory for the SDLs is fundamentally wide of the mark. Moreover, the planned SDLs are in my view sufficiently varied and dispersed around the town and the borough to avoid the worst risks of over-concentration and over-reliance for housing delivery purposes.
96. Assessing a five year land supply is plainly not an exact science. There is, moreover, no closely prescribed methodology sufficient to eliminate individual judgement by practitioners. That judgemental element, which is essentially a balance of probability, is therefore inescapable. In the round, taking all that

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<sup>26</sup> Appendix x to evidence of Mr Stoney re Stone SDL

<sup>27</sup> ID18 paragraph 22

<sup>28</sup> CD a.vii. Paragraph 39

has been put to me into account, I do not consider the Council to now be in comfortable surplus as far as the five year land supply is concerned. There are factors tending to erode that which was quantified at 31 March 2014, concerning small and large sites, but there are also factors which, in real terms are likely to make for additional supply, which is compensatory. Moreover, evidence concerning the SDLs is insufficiently compelling to convince me that the planning assumptions tested through the PSB examination and most recently by the Council in reviewing the position are fundamentally wide of the mark. On that basis, I consider the Council, on the balance of probability, currently has, in real terms relevant to the wide range of developers who might wish to utilise it for house building, a five year land supply in the sense intended by the Framework. But there is little room for complacency. Further planned allocations through the Site Allocations DPD and neighbourhood planning process will need to be brought forward expeditiously if monitoring over the next year or so indicates that expectations are not being met.

97. Nevertheless, bearing in mind the Framework read together with the PPG advice, and the very relevant and recent adoption of the PSB, the apparent potential marginality of the real supply of deliverable sites around the five year mark demonstrated by the Council does not in my view engage the intention behind paragraph 49 of the Framework that an inadequate supply of housing land should render relevant policies for the supply of housing out-of-date. In all the circumstances, it would be extraordinary if that were to be the case. The Council has engaged with the spirit and practice of the plan-led system to identify opportunities for housing development, including on greenfield sites, and the PSB has been specifically endorsed in terms of the initial five year supply resulting.
98. Careful and systematic monitoring, as national policy intends, will be essential to identify any slippage from the position achieved and corrective action in those circumstances would be needed. But, on the all the evidence available to me, I do not find that to be a circumstance which prevails at the present time. The development plan, whilst not yet complete, cannot be considered out-of-date at this juncture as far as the adequacy of the planned housing land supply is concerned.

#### *Other matters*

99. A range of other matters were raised by third party objectors to the proposed scheme of development but, as is clear from the officer's report and the PSoCG, there are no 'technical' objections from relevant consultees. Moreover, there are no concerns or qualifications from such sources that could not be addressed by scheme design at reserved matters stage and/or the imposition of planning conditions, together with the execution of an appropriate form of planning obligation, and I am content that impacts on the amenity of adjacent residents can adequately be addressed through design and relevant conditions.
100. The decision does not turn on such matters, notwithstanding that I consider it afresh, but one matter does merit more specific comment in view of the very evident concern of local residents; and that is the proposed access.
101. The highways authority (SCC) and the Council are both satisfied with the single priority junction proposed, supplemented by an emergency access



arrangement. Especially bearing in mind the comments of the Inspector<sup>29</sup> who considered objections to the 2001 Local Plan, that visibility is impeded by the alignment of the (railway) bridge, I accept that the proposed access appears counter-intuitive.

102. Nevertheless, given the content of the HSoCG agreed between the highways authority and the appellant, the fact that junction design with appropriate sightlines for the measured road speeds is achievable, as I observed during my site visits, and that no expert evidence was adduced to demonstrate otherwise, I am unable to conclude that there is a sustainable highways reason for refusal in this instance. Both the appellant's highways expert and the equivalent representative of the SCC explained that relevant criteria for the circumstances of the highway are met and that their judgement is (with the measures proposed to reinforce the tendency of northbound traffic approaching the bridge to slow down) the proposed junction would operate safely and efficiently. I have no reason, on the basis of the evidence available to me, to substitute an alternative judgement.
103. There are of course benefits of an economic nature, reinforced by the growth agenda, that must be weighed in the balance and social benefits including the affordable housing content of the proposed scheme. These are identified by the appellant.<sup>30</sup> The environmental gains claimed by the appellant, including a potential gain in biodiversity, are to my mind of lesser weight, bearing in mind that the site, although in many respects unremarkable, nevertheless represents an attractive expanse of rural land on the southern fringe of Stafford, albeit compromised in terms of tranquillity by the pervasive influence of the M6 and the railway.
104. I have no evidence sufficient to persuade me that the site is in an inherently unsustainable location.

### *The Planning Balance*

105. I have concluded that, because it involves the unnecessary development of greenfield land, the proposed development would conflict with and harmfully undermine the intentions of the development plan, as articulated in the final paragraph of SP7 considered in the context of the recently adopted PSB as a whole.
106. I have also concluded that the development plan is neither absent nor silent, and that relevant policies are not out of date because, all things considered, at the present time, it is not demonstrably the case that the Council does not have a five year supply of deliverable sites in the sense intended by the Framework. Paragraph 49 of the Framework is not, therefore, currently engaged.
107. I am conscious that the overall housing figures in the PSB are not intended to be a ceiling, but the unfettered release of substantial greenfield sites such as the appeal site cannot, logically, be the intended corollary of that. If it were, the final paragraph of SP7 would not say what it does.

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<sup>29</sup> ID6 paragraph 6.16.4

<sup>30</sup> Evidence of Mr Stoney

108. The presumption in favour of sustainable development articulated in paragraph 14 of the Framework, again, does not endorse the unfettered release of greenfield sites that are 'technically' unobjectionable. Sustainability is measured against the Framework as a whole and, at its heart, the core principles include the principle that development should be genuinely plan-led.
109. Whether or not a development is genuinely plan-led is therefore an important facet of sustainability, albeit one that is not necessarily decisive in itself. This reflects the statutory position that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This principle is clearly embodied in paragraphs 196 and 197 and in the core principles of the Framework.
110. The Framework, through paragraph 14, does provide for decisions to be made in the absence of an up-to-date plan including, through paragraph 49, the release of land for housing where plan policies on housing land supply may not be considered up-to-date. That is not the case here.
111. The Framework clearly endorses the use of greenfield land resources where necessary, whilst encouraging the effective use of previously-developed land. This is a core principle of the Framework, as is the preference for land of lesser environmental value when allocations for development are made, where this is consistent with other policies of the Framework.
112. It is too simplistic, therefore, to assert that the proposed development should in any event be seen in the context of the Framework's intention to significantly boost the supply of housing, as presented at paragraph 47. Read in the context not only of the Framework as a whole, but also within the confines of the paragraph itself, it is plain that, whenever the development plan is up-to-date in this respect, the primary intention is for such a boost to be delivered through the plan-led system.
113. This seems to me precisely the course the Council has adopted, as is abundantly clear from the Inspector's report on the PSB. The development plan also interprets, inter alia through policy SP7, the balance to be struck locally as regards the use of greenfield and brownfield land resources.
114. Given all of the above, I am obliged to accord substantial weight to the conflict with the development plan (and the related conflict with the intentions of the Framework) that I have identified. That conflict concerning the unnecessary deployment of greenfield land resources significantly detracts from the sustainability credentials of the proposed development.
115. I recognise that there are benefits, both socially and economically, associated with the proposed development, notably its contribution to growth, the potential for affordable housing provision and, in simple terms, its potential to boost the supply of housing generally.
116. Such benefits are by no means insignificant. Moreover, the proposed development has other attributes which weigh positively in its favour in the balance of considerations determining sustainability. Nevertheless, given the substantial weight that must be accorded to the PSB at the present time, these do not, for the reasons I have given, outweigh the clear conflict with its intentions regarding the use of greenfield land which I have identified.

117. For that reason, having taken into account all other matters raised in the cases of the parties, including numerous appeal decisions and legal rulings, I consider the proposed development not only conflicts harmfully with important intentions of the development plan but also, on balance within the context of and as a result of that conflict, fails to represent sustainable development for the purposes of the Framework. I therefore conclude that the appeal should be dismissed.

*Keith Manning*

Inspector

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY: Timothy Leader of Counsel

He called

Simon Wood MRTPI, Urban Vision

John Holmes BA (Hons) MRTPI, Stafford Borough Council

FOR THE APPELLANT: Hugh Richards of Counsel

He called

Stephen Stoney BA (Hons) MRTPI, Wardell Armstrong LLP  
Timothy Russell BSc (Hons) MIHT, Croft Transport Solutions (called at my request)

FOR THE ASHFLATS RESIDENTS' ACTION GROUP: Paul Windmill BA Hons, MRTPI (Rtd)

Mr Windmill gave expert evidence on behalf of the Group, supported by topic based statements from the following local residents:-

Brian Hodges  
Gwyneth Hodges  
Charles Barratt  
Susan Moore  
Leonore Ashwell  
Kay Crosby  
Patrick McGurk

INTERESTED PERSONS:

Councillor Geoff Rowlands, on behalf of all three Manor Ward Councillors

The following local residents gave statements in their own right:-

Maureen Alecock  
Graham Tummey

Paul Hurdus MSc MILT MIHT, representing Staffordshire County Council, the highways authority, spoke at my request

## **INQUIRY DOCUMENTS**

- ID1 Statement of Common Ground
- ID2 Appellant's opening statement
- ID3 Council's opening statement
- ID4 5 year housing land supply statement with August 1<sup>st</sup> 2014 base
- ID5 Extract from 3013 SHLAA re sites in Stafford Town urban area
- ID6 Extract from Inspector's report on Stafford Borough Local Plan 2001
- ID7 Email trail ending Barry Herrod to John Holmes 17 May 2013 @ 14:19
- ID8 Statement by Councillor Geoff Rowlands
- ID9 Assembly of topic based statements from individual local residents
- ID10 Draft planning obligation
- ID11 Draft conditions (31 July 2014)
- ID12 Highways Statement of Common Ground (29 September 2014)
- ID13 Updated draft conditions (submitted by appellant 13 October 2014)
- ID14 Email Mr Windmill to Mr Ryder dated 26 September 2014 and response by Croft Transport Solutions
- ID15 Letter from 'Housing Plus' to inquiry dated 9 September 2014
- ID16 S106 Planning Agreement dated 28 October 2014
- ID17 Appeal decision APP/Y3425/A/14/2210911 (Gnosall)
- ID18 Appeal decision APP/Y3425/A/14/2217183 (Cold Meece)
- ID19 Appeal decision APP/Y3425/A/14/2220297 (Stone)
- ID20 Letter from Ladders Solicitors re; option agreements dated 20 September 2013
- ID21 Copy of submission by Wardell Armstrong LLP (Stephen Stoney) to examination of the Plan for Stafford Borough
- ID22 Email exchange re: St Georges Hospital site between Shropshire Homes and Stafford Borough Council 6 & 7 October 2014
- ID23 Extract from Manual for Streets
- ID24 Extract from Staffordshire Residential Design Guide
- ID25 Extracts from Design Manual for Roads and Bridges
- ID26 Stage 1 Road Safety audit prepared by Merebrook Consulting Limited
- ID27 Manuscript agreement between main parties as to site's potential capacity to accommodate dwellings taking account of anticipated constraints
- ID28 Closing statement by the Ash Flats Residents Action Group
- ID29 Closing submissions of the Local Planning Authority
- ID30 Closing submissions on behalf of the appellant with court transcript [2014]EWHC 754 appended (*Bloor Homes v Secretary of State for Communities and Local Government*)

## **CORE DOCUMENTS**

### **a. 'Core Documents'**

- i. National Planning Policy Framework
- ii. National Planning Practice Guidance
- iii. West Midlands Regional Spatial Strategy Phase 11 Revision
- iv. The Plan for Stafford Borough 2011-2031
- v. Stafford Borough Strategic Housing Land Availability Assessments 2009 – 2013 inclusive
- vi. Examination of the Plan for Stafford Borough – Inspector's Recommendations for Further Main Modifications – 17/12/2013
- vii. Inspector's Report on the Examination of the Plan for Stafford Borough – 11/06/2014
- viii. Stafford Borough Council – 5 Year Housing Land Supply Statement 2013
- ix. Stafford Borough Council – Statement of 5 Year Housing Land Supply – 31<sup>st</sup> January 2014
- x. Stafford Borough Council – Application Committee Meeting Minutes – 21/02/2014
- xi. Stafford Borough Council Application Decision Notice – 24/02/2014
- xii. Appellant Statement of Case – April 2014
- xiii. Appellant Proof of Evidence – July 2014 , including Appendices;  
A – Application officer report – 14/02/2014  
B – SCC Highways correspondence – 29/05/2014
- xiv. C - Planning Appeal decision – APP/H1840/A/13/2203924 – Offenham
- xv. D - Planning Appeal decision – APP/R0660/A/13/2196044 – Elworth Hall Farm
- xvi. E - Planning Appeal decision – APP/Y3425/A/12/2172968 – Former Castleworks, Castle Street, Stafford
- xvii. F – Stafford Borough Council – Statement of 5 Year Housing Land Supply – 31<sup>st</sup> March 2014
- xviii. X – Appellant 5 Year Housing Land Supply Assessment – June 2014, including sub appendices 1 & 2.  
Y – Paul Shaw Proof of Evidence
- xix. Appellant Draft Statement of Common Ground – SBC Amended – 29.07.2014
- xx. Appellant proposed draft Conditions – 18/06/2014
- xxi. The Plan for Stafford Borough – Whole Plan Viability Report – (EIP – D52) - August 2013
- xxii. Levvel Deliverability and Viability of the Northern and Western SDL Locations Report – July 2013

### **b. Planning Application 13/19524/OUT Documents**

- i. Application form
- ii. Design and access statement
- iii. Planning support statement
- iv. Air quality assessment
- v. Archaeological assessment
- vi. Ecological appraisal
- vii. Flood risk assessment
- viii. Geotechnical assessment
- ix. Landscape and visual impact assessment
- x. Noise survey

- xi. SAC assessment
- xii. Statement of community involvement
- xiii. Topographical survey – sheets 01/02/03
- xiv. Transport Assessment
- xv. Watercourse modelling
- xvi. Tree quality survey
- xvii. Utility assessment
- xviii. Draft heads of terms – section 106
- xix. Location plan
- xx. Context plan
- xxi. Green space plan
- xxii. Illustrative circulation plan
- xxiii. Illustrative constraints plan
- xxiv. Illustrative masterplan
- xxv. Proposed priority access plan – 0199-01-A

**c. Other Documents**

- i. Stafford Borough Council Application – 12/17747/OUT – Officer Report – 17/04/2013
- ii. Stafford Borough Council Application – 13/19249/OUT – Officer Report – 12/02/2014
- iii. Stafford Borough Council Application – 13/19249/OUT – Officer Report – 21/02/2014
- iv. Stafford Borough Council Application – 13/19771/FUL – Officer Report – 05/03/2014
- v. Stafford Borough Council Application – 13/19694/OUT – Officer Report – 05/03/2014
- vi. Stafford Borough Council Application – 13/19249/OUT – Officer Report – 06/03/2014
- vii. Stafford Borough Council Application – 13/19605/FUL – Officer Report – 17/03/2014
- viii. Stafford North SDL – Taylor Wimpey correspondence – 30/06/2014
- ix. Stafford North SDL – Statement of Common Ground (EIP – E97) – 14/11/12
- x. Stafford North SDL – Maximus Policy Stafford 2 Statement (EIP – M4/10b) – 15/10/13.
- xi. Stafford North SDL – Akzo Nobel Policy Stafford 2 Statement (EIP – M4/5a) – 15/10/13
- xii. Stafford North SDL - Working Party meeting – minutes (EIP – E94) – 20/06/13
- xiii. Stafford North SDL - correspondence (EIP – O1.20) – 13/05/14
- xiv. Stafford North SDL - Stafford Borough Council Briefing Note – 08/05/14
- xv. Stafford North SDL - submission (EIP – M4/5b) – 15/10/13
- xvi. Stafford West SDL – St Modwen Developments submission (EIP – M4/7a) – 15/10/13
- xvii. Stafford West SDL – Bellway correspondence – 01/07/2014
- xviii. Stafford West SDL – Taylor Wimpey correspondence – 04/07/14
- xix. Stafford East SDL – Memorandum of Agreement – (EIP – E99) – 2012
- xx. Stafford East SDL – Working Party meeting minutes – (EIP – E96) – 2012/13
- xxi. Stafford East SDL – Application 13/18697/OUT Planning Statement – May 2013

- xxii. Stone SDL – Wardell Armstrong correspondence – (EIP – O1.22) - 13/06/14
- xxiii. Stone SDL – Statement of Common Ground – (EIP – E98) – 2012
- xxiv. Stone SDL – Wardell Armstrong Statement – (EIP – M5/8a) – October 2013
- xxv. Stone SDL – Wardell Armstrong correspondence – 30/06/2014
- xxvi. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) – Mr Shaw correspondence – 14/02/2014
- xxvii. Planning Application 13/19524/OUT & other matters – correspondence to Stafford Borough Council – (Head of Law & Administration/Head of Planning & Regeneration/Cabinet Member for Planning & Regeneration)– 20/02/2014
- xxviii. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) – correspondence from Stafford Borough Council – (Senior Forward Planning Officer) - 20/02/2014
- xxix. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) & other matters – correspondences to Stafford Borough Council - (Head of Law & Administration/ Legal Services Manager/Head of Planning & Regeneration/Cabinet Member for Planning & Regeneration) – 21/02/2014/25/02/2014/28/02/2014/13/03/2014/24/03/2014
- xxx. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> Jan 2014) – correspondence from Stafford Borough Council (Forward Planning Manager) – 26/03/2014
- xxxi. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> March 2014) – correspondences to Stafford Borough Council (Forward Planning Manager) – 05/06/2014/11/06/2014
- xxxii. Stafford Borough Council 5 Year Supply Statement (31<sup>st</sup> March 2014) – correspondences from Stafford Borough Council (Forward Planning Manager) – 09/06/2014/12/06/2014



# Wiltshire Council Housing Land Supply

## Appendix 9

**From:** [Strange Andrew \(NHS Property Services\)](#)  
**To:** [Roe, Christopher](#)  
**Cc:** [Adams Mark \(NHS Property Services\)](#); [Stribling Colin \(NHS Property Services\)](#)  
**Subject:** Former Westbury Hospital Site  
**Date:** 09 December 2013 12:54:31  
**Attachments:** [WT114723 - OC Plan.pdf](#)

---

Christopher

I refer to your e-mail to Colin Stribling of the 3<sup>rd</sup> December. The site edged red in the attached title plan is owned by NHS Property Services Ltd and is available for residential development. The eastern part of the site is already allocated for residential development under the "saved" Local Plan policies, but the whole site is now vacant. Please see the responses to your queries below:

1) Site Name & Address: **Site of the Former Westbury Hospital**

**The site area now includes the extant allocation and the former hospital buildings.**

2) If the site has planning permission, how many of the proposed dwellings have reached completion (and are habitable)?

**The site does not have planning permission, but part of it is allocated for the development of 25 dwellings. It is our intention to seek an outline planning permission for the site's development in 2014.**

3) For all sites, how many of the remaining dwellings (if there are any), are expected to be completed between 1st April and 31st March each year, for the following years?

- 2013/14 -
- 2014/15 -
- 2015/16 - **20**
- 2016/17 - **30**
- 2017/18 - **20**
- 2018/19 -
- 2019/20 -
- 2020/21 -
- 2021/22 -
- 2022/23 -
- 2023/24 -
- 2024/25 -
- 2025/26 -

4) For all sites, which of the following applies? Please provide additional notes if appropriate.

- The site is owned by a developer with the intention to develop
- The site is owned by a developer with no immediate intention to develop
- **The site is not owned by a developer but a developer has expressed interest or has plans to develop**

**NHS Property Services Ltd owns the site and is intending to dispose of it at the earliest opportunity in 2014/15. The site includes an allocation for 25 dwellings and now also includes additional land that could accommodate a further 41 dwellings within the settlement boundary at a density of 40 dph. We anticipate interest from residential developers and that the site will be sold for housing.**

- The site is not owned by a developer and there has been no interest from developers

5) For all sites, which of the following applies?

- **The site is owned by a single developer.**

**The site is wholly owned by NHS Property Services Ltd (see attached plan).**

- The site is owned by multiple developers
- The site is owned by a single party that is not a developer
- The site is owned by multiple parties that are not developers
- The site is part owned by developers

6) For all sites, which of the following applies? Circle/highlight as many as are appropriate.

- The site is currently subject to a leasehold
- The site is in a continuing commercial use.
- The site is subject to a ransom strip

• **The site has none of these constraints**

7) Please provide evidence of any other issues preventing this site from being developed, for example:

**Market factors** – uses of adjacent land, economic viability of existing, proposed and alternative uses, attractiveness of the locality, level of potential market demand and projected rate of sales (particularly important for larger sites);

**Although there is no known interest in re-using all of the existing buildings/redeveloping the site for community purposes, it is being marketed for such purposes for a 6 month period. In the event that no such interest comes forward, the site will be marketed for residential development and we anticipate that it will be sold before the end of**

**March 2015.**

**Cost factors** – site preparation costs relating to any physical constraints, any exceptional works necessary, relevant planning standards or obligations, prospect of funding or investment to address identified constraints or assist development;

**The site's development will require works to the existing access and the demolition of the existing buildings. We are not currently aware of any other significant site constraints that could affect the site's development, but will be commissioning surveys in respect of the site's potential for contamination and any abnormal ground or other site conditions in the next 6 months.**

**Delivery factors** – the developer's own phasing, realistic build-out rates on larger sites (including likely earliest and latest start and completion dates), the size and capacity of the developer.

**We have assumed that the site will be sold before the end of March 2015, that a purchaser will be able to commence development within 3 to 6 months, and that development will progress at a rate of 30 dwellings per year.**

**Andrew Strange** | Head of Planning and Development

**NHS Property Services Ltd**

451C Skipton House, 80 London Road, London SE1 6LH

07900 570254 | [andrew.strange@property.nhs.uk](mailto:andrew.strange@property.nhs.uk)

[@NHSPROPERTY](#) | [www.property.nhs.uk](http://www.property.nhs.uk)

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NHS Property Services Ltd, 451C Skipton House, 80 London Road, London SE1 6LH. Registered in England, No: 07888110

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**From:** [Summers, Liz](#)  
**To:** [Tiley, Neil](#)  
**Subject:** RE: Housing Land Supply Update  
**Date:** 04 July 2013 08:53:26

---

Neil,

An outline planning application has only just been registered for this site (reference 13/01776/OUT). Therefore, it is a little early to answer a lot of these questions. However, please see my comments below.

Kind regards

Liz

**Liz Summers**, Principal Planner, GVA

Direct Dial: 0117 988 5308 - Email: [liz.summers@gva.co.uk](mailto:liz.summers@gva.co.uk) Mobile: 07962 336 061

Web: [www.gva.co.uk](http://www.gva.co.uk) - National Number: 08449 02 03 04 - Fax: 0117 988 5344

**Winner Insider Property Awards South West 2012 - Client Adviser of the Year**

---

**From:** Tiley, Neil [<mailto:Neil.Tiley@wiltshire.gov.uk>]  
**Sent:** 04 July 2013 08:31  
**To:** Summers, Liz  
**Subject:** FW: Housing Land Supply Update

Dear Madam,

I wrote previously requesting information on the delivery of the site at Langley Park, Chippenham but have not yet had a response. I was hoping that you might be able to provide any information that you have available in regard of the delivery of this site (either by answering the attached questions or providing a brief summary of likely progress).

All the best

**Neil Tiley**

Manager, Monitoring & Evidence

Economy & Regeneration

Wiltshire Council

01225 713475

---

**From:** Tiley, Neil  
**Sent:** 28 June 2013 12:01  
**To:** 'liz.summers@gva.co.uk'  
**Subject:** Housing Land Supply Update

Dear sir/madam,

I am writing to request for information on the potential delivery of the [application at Langley Park](#). Could you please answer the following questions as soon as possible and return to myself ([neil.tiley@wiltshire.gov.uk](mailto:neil.tiley@wiltshire.gov.uk)).

1) Site Name & Address: [Langley Park, Chippenham](#)

2) If the site has planning permission, how many of the proposed dwellings have reached completion (and are habitable)?

3) For all sites, how many of the remaining dwellings (if there are any), are expected to be completed between 1st April and 31st March each year, for the following years?

- 2013/14 -
- 2014/15 -
- 2015/16 -
- 2016/17 -
- 2017/18 -
- 2018/19 -
- 2019/20 -
- 2020/21 -
- 2021/22 -
- 2022/23 -
- 2023/24 -
- 2024/25 -
- 2025/26 -

4) For all sites, which of the following applies? Please provide additional notes if appropriate.

- **The site is owned by a developer with the intention to develop**
- The site is owned by a developer with no immediate intention to develop
- The site is not owned by a developer but a developer has expressed interest or has plans to develop
- The site is not owned by a developer and there has been no interest from developers

5) For all sites, which of the following applies?

- The site is owned by a single developer.
- The site is owned by multiple developers
- The site is owned by a single party that is not a developer
- The site is owned by multiple parties that are not developers
- **The site is part owned by developers**

6) For all sites, which of the following applies? Circle/highlight as many as are appropriate.

- The site is currently subject to a leasehold
- **The site is in a continuing commercial use.** (partly)
- The site is subject to a ransom strip
- The site has none of these constraints

This information will be used to inform housing land supply within Wiltshire.

Yours sincerely

Neil Tiley  
Manager, Monitoring & Evidence,  
Wiltshire Council  
01225 713475

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**From:** [Bryce & Edie](#)  
**To:** [Tiley, Neil](#)  
**Subject:** Fw: Fwd: Housing land supply update  
**Date:** 24 June 2014 12:51:13

---

Dear Neil

I did not seem to get your May 2014 email.

Our last answers provided below in October 2012 still apply, except that :

Item 3) the one dwelling scheduled for completion in 2013 was completed a month ago (The Fulling Mill at the rear of Quemerford House) and will be occupied at the end of this month.

9 dwellings scheduled for 2015/16 is now 10 houses for the same date.

Best Regards

Bryce McDonnell

----- Forwarded Message -----

**From:** "Tiley, Neil" <[Neil.Tiley@wiltshire.gov.uk](mailto:Neil.Tiley@wiltshire.gov.uk)>  
**To:** 'edith de castro' <[decastro\\_mcdonnell@yahoo.com](mailto:decastro_mcdonnell@yahoo.com)>  
**Sent:** Tuesday, 9 October 2012, 10:59  
**Subject:** RE: Fwd: Housing land supply update

Thanks Bryce.

**Neil Tiley**  
Manager, Monitoring & Evidence  
Economy & Regeneration  
Wiltshire Council  
01225 713475

---

**From:** edith de castro [[mailto:decastro\\_mcdonnell@yahoo.com](mailto:decastro_mcdonnell@yahoo.com)]  
**Sent:** 09 October 2012 09:59  
**To:** Tiley, Neil  
**Subject:** Re: Fwd: Housing land supply update

Yes that's correct. There is a risk that the one unit to be built this year (which is with the WCC planners now) may be delayed into July/August next year if the application goes to appeal due to objections. So perhaps to be safe, one unit 2013/2014 and the balance 2015/2016. The later 9 depends on the housing market but I am assuming prices are stable at that point.

Best

Bryce

---

**From:** "Tiley, Neil" <[Neil.Tiley@wiltshire.gov.uk](mailto:Neil.Tiley@wiltshire.gov.uk)>  
**To:** 'edith de castro' <[decastro\\_mcdonnell@yahoo.com](mailto:decastro_mcdonnell@yahoo.com)>  
**Sent:** Monday, 8 October 2012, 10:36  
**Subject:** RE: Fwd: Housing land supply update

Thanks,

Can I just confirm that one dwelling will be built this year, with the remaining 9 in three years time?

Thanks again

**Neil Tiley**

Manager, Monitoring & Evidence  
Economy & Regeneration  
Wiltshire Council  
01225 713475

---

**From:** edith de castro [[mailto:decastro\\_mcdonnell@yahoo.com](mailto:decastro_mcdonnell@yahoo.com)]  
**Sent:** 07 October 2012 19:30  
**To:** Tiley, Neil  
**Cc:** Marc Willis  
**Subject:** Fw: Fwd: Housing land supply update

Dear Neil

My answers to your questions are as follows:

- 1) Quemerford House and Land, 26 Quemerford, Calne, Wiltshire SN11 8JS
- 2) Site does not have planning permission as yet.
- 3) 2012/2013 1 dwelling  
2015/2016 9 dwellings
- 4) The site is owned by a developer with the intention to develop
- 5) The site is owned by a single developer
- 6) The site has none of these constraints

Best regards

Bryce McDonnell

----- Forwarded Message -----

**From:** Marc Willis <[willisplan@aol.com](mailto:willisplan@aol.com)>  
**To:** [decastro\\_mcdonnell@yahoo.com](mailto:decastro_mcdonnell@yahoo.com)  
**Sent:** Friday, 5 October 2012, 14:09  
**Subject:** Fwd: Housing land supply update

Bryce,

Would you like to reply to this email?

Regards,  
Marc Willis  
Willis & Co.  
Chartered Town Planners  
30 The Causeway  
Chippenham

Wiltshire  
SN15 3DB

Tel 01249 444975  
Mob 07966 156595

Willis & Company (Town Planning) Limited  
Registered in England No. 3648401

-----Original Message-----

From: Tiley, Neil <[Neil.Tiley@wiltshire.gov.uk](mailto:Neil.Tiley@wiltshire.gov.uk)>  
To: 'willisplan@aol.com' <[willisplan@aol.com](mailto:willisplan@aol.com)>  
Sent: Fri, 5 Oct 2012 12:56  
Subject: Housing land supply update

Dear sir/madam,  
Wiltshire Council would appreciate information on the deliverability of the committed site at Quemerford House and Land, Calne. Could you please answer the following questions by the 17<sup>th</sup> October and return to myself ([neil.tiley@wiltshire.gov.uk](mailto:neil.tiley@wiltshire.gov.uk)).

- 1) Site Name & Address: Quemerford House and Land, Calne
- 2) If the site has planning permission, how many of the proposed dwellings have reached completion (and are habitable)?
- 3) For all sites, how many of the remaining dwellings (if there are any), are expected to be completed between 1st April and 31st March each year, for the following years?

- 2011/12 -
- 2012/13 -
- 2013/14 -
- 2014/15 -
- 2015/16 -
- 2016/17 -
- 2017/18 -
- 2018/19 -
- 2019/20 -
- 2020/21 -
- 2021/22 -
- 2022/23 -
- 2023/24 -
- 2024/25 -
- 2025/26 -

- 4) For all sites, which of the following applies? Please provide additional notes if appropriate.
  - The site is owned by a developer with the intention to develop
  - The site is owned by a developer with no immediate intention to develop
  - The site is not owned by a developer but a developer has expressed interest or has plans to develop
  - The site is not owned by a developer and there has been no interest from developers

5) For all sites, which of the following applies?

- The site is owned by a single developer
- The site is owned by multiple developers
- The site is owned by a single party that is not a developer
- The site is owned by multiple parties that are not developers
- The site is part owned by developers

6) For all sites, which of the following applies?

Circle/highlight as many as are appropriate.

- The site is currently subject to a leasehold
- The site is in a continuing commercial use
- The site is subject to a ransom strip
- The site has none of these constraints

This information will be used to inform housing land supply within Wiltshire.

Yours sincerely

Neil Tiley

Manager, Monitoring & Evidence

Economy & Regeneration

Wiltshire Council

01225 713475

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# Wiltshire Council Housing Land Supply

## Appendix 10



**From:** [David Lohfink](#)  
**To:** [Tiley, Neil](#)  
**Subject:** RE: Housing Delivery  
**Date:** 02 June 2014 16:19:17

---

Oops! Slip of the finger. Put the 38 in 17/18 and delete one of the 50's!

Regards,

**David Lohfink, Land & Planning Director**

C G Fry & Son Limited

Tel: 01308-482000

Mob: 07875-511680 (Please try the landline first as I get no mobile signal in the office)

Email: [davidl@cgfry.co.uk](mailto:davidl@cgfry.co.uk)

Web: [www.cgfry.co.uk](http://www.cgfry.co.uk)



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**From:** Tiley, Neil [<mailto:Neil.Tiley@wiltshire.gov.uk>]  
**Sent:** 02 June 2014 15:42  
**To:** David Lohfink  
**Subject:** RE: Housing Delivery

Thanks David,

Are you looking to progress 188 on this site? I believe the application is for 138.

Thanks

Neil Tiley  
Manager, Monitoring and Evidence  
Economic Development and Planning  
Wiltshire Council  
01225 713475

---

**From:** David Lohfink [<mailto:davidl@cgfry.co.uk>]  
**Sent:** 02 June 2014 15:14  
**To:** Tiley, Neil  
**Subject:** RE: Housing Delivery

Neil – see below (if ever we can get a planning permission following viability testing conversations with Mark Hunnybun et al!)

Regards,

**David Lohfink, Land & Planning Director**

C G Fry & Son Limited

Tel: 01308-482000

Mob: 07875-511680 (Please try the landline first as I get no mobile signal in the office)

Email: [davidl@cgfry.co.uk](mailto:davidl@cgfry.co.uk)

Web: [www.cgfry.co.uk](http://www.cgfry.co.uk)



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**From:** Tiley, Neil [<mailto:Neil.Tiley@wiltshire.gov.uk>]

**Sent:** 20 May 2014 11:49

**To:** David Lohfink

**Subject:** Housing Delivery

Dear Sir/Madam,

I am writing to request information on the potential delivery of the committed site at Kingston Farm and Moulton Estate (WCS/NW1). Please could you answer the following questions and return to myself ([neil.tiley@wiltshire.gov.uk](mailto:neil.tiley@wiltshire.gov.uk)) as soon as possible but no later than 20th June 2014. Any additional information is also welcomed. This information will be used to inform housing land supply within Wiltshire.

1) Site Name & Address: Kingston Farm and Moulton Estate

2) If the site has planning permission, how many of the proposed dwellings have reached completion (and are habitable)? **NIL**

3) For all sites, how many of the remaining dwellings (if there are any), are expected to be completed between 1st April and 31st March each year, for the following years?

- 2013/14 - **0**
- 2014/15 - **0**
- 2015/16 - **50**

- 2016/17 - **50**
- 2017/18 - **50**
- 2018/19 - **38**
- 2019/20 - **0**
- 2020/21 -
- 2021/22 -
- 2022/23 -
- 2023/24 -
- 2024/25 -
- 2025/26 –

4) For all sites, which of the following applies? Please provide additional notes if appropriate.

- The site is owned by a developer with the intention to develop
- The site is owned by a developer with no immediate intention to develop
- The site is not owned by a developer but a developer has expressed interest or has plans to develop **YES (site held under Option by developers keen to crack on)**
- The site is not owned by a developer and there has been no interest from developers

5) For all sites, which of the following applies?

- The site is owned by a single developer. **YES (see above – Option Agreement with one landowner)**
- The site is owned by multiple developers
- The site is owned by a single party that is not a developer
- The site is owned by multiple parties that are not developers
- The site is part owned by developers

6) For all sites, which of the following applies? Circle/highlight as many as are appropriate.

- The site is currently subject to a leasehold **NO**
- The site is in a continuing commercial use **Yes in part**
- The site is subject to a ransom strip **NO**
- The site has none of these constraints

7) Please provide evidence of any other issues preventing this site from being developed, for example:

**Market factors** – uses of adjacent land, economic viability of existing proposal, proposed and alternative uses, attractiveness of the locality, level of potential market demand and projected rate of sales (particularly important for larger sites);

**Cost factors** – site preparation costs relating to any physical constraints, any exceptional works necessary, relevant planning standards or obligations, prospect of funding or investment to address identified constraints or assist development;

**Delivery factors** – the developer's own phasing, realistic build-out rates on larger sites (including likely earliest and latest start and completion dates), the size and capacity of the developer.

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Yours sincerely

Chris Roe

Senior Planning Officer  
Monitoring & Evidence  
Economic Development & Planning  
Wiltshire Council  
Tel: 01225 713979

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# FW: Chippenham Site Selection Criteria Comment

Gibson, Carolyn

Thu 01/05/2014 16:14

To: McCombe, Tim <Tim.McCombe@wiltshire.gov.uk>; Proyer, James <James.Proyer@wiltshire.gov.uk>;

Cc: Tiley, Neil <Neil.Tiley@wiltshire.gov.uk>;

Categories: Red Category

 3 attachments

Ltr to Carolyn Gibson re Chippenham Site Allocations, Site Selection Cri....pdf; D156-FN30 - Statement of Common Ground Final - Revised.pdf; Rawlings Green Revised SOCG 29.04.2014.docx;

For info.

Neil – I have copied you in because of the revised trajectory

Carolyn Gibson  
Spatial Planning Manager - Economy

## **Economy & Regeneration**

Wiltshire Council | County Hall | Trowbridge | Wiltshire | BA14 8JN

email: [carolyn.gibson@wiltshire.gov.uk](mailto:carolyn.gibson@wiltshire.gov.uk)

Telephone: 01225 718452

website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

**From:** Mark Fox [mailto:Mark.Fox@pegasuspg.co.uk]

**Sent:** 29 April 2014 16:41

**To:** Gibson, Carolyn; Tilsed, Louise

**Cc:** Clampitt-dix, Georgina

**Subject:** Chippenham Site Selection Criteria Comment

Dear all,

Following the developer's workshop, I attach the comments of Barratt Developments Plc on the proposed site selection criteria.

I also attach the updated daft SOCGs which incorporate a revised trajectory.

I hope I have understood the situation correctly.

Let me know if there are any comments and any procedures for signing and submitting to the Programme Officer.

Regards

Mark

**Mark Fox MSc DipTP MRTPI**

Director

**Pegasus Group**

Planning | Environmental | Retail | Urban Design | Renewables | Landscape Design | Graphic Design | Consultation | Sustainability

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

**DD** 01285 888023 **T** 01285 641717 **F** 01285 642348 **M** 07740 860046

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MF/NC/CIR.B.0219

29<sup>th</sup> April 2014

Carolyn Gibson  
Spatial Planning  
Economic Development and Planning  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 0HD

Dear Carolyn

**Chippenham Site Allocations DPD, Site Selections Criteria**  
**A Response on behalf of Barratt Developments Plc.**

Further to the recent developer's workshop regarding the emerging Chippenham Sites DPD, I note that the council is seeking comments on the suggested site selection criteria by Friday 9<sup>th</sup> May. Please note Barratt will also be responding to the criteria, which feature in revised Core Policy 10, in its response to the Core Strategy Proposed Modifications in due course.

Criterion 1

*The scope for the area to ensure that the delivery of premises and land for employment development reflecting the priority to support local economic growth and settlement relevance.*

Barratt support the inclusion of an economic development criterion for selecting the mixed use strategic sites. It is noted that the emerging Core Strategy requires provision of 26.5 hectares of employment land at Chippenham, in addition to that already provided to committed at April 2011 and this figure remains unchanged from the level set out in the Submission Draft Core Strategy.

Fundamental to securing the long term settlement resilience at Chippenham is achieving greater economic diversification at the town. Whilst the locational advantages of the town are likely to continue to support a degree of out-commuting from Chippenham, in future the goal should be to maintain a robust local economy that offers the opportunity for residents to live and work locally; for existing businesses to expand, incoming businesses to relocate to Chippenham and new businesses to start up at the town.

The Rawlings Green site has the potential to deliver new employment opportunities at the town which can be unlocked through a residential led mixed use urban extension.

The wording of the criterion would benefit from a clarification making it clear the scope of an area will be assessed having regard to its ability to ensure delivery of premises and/or land for employment development.



The mixed use schemes at Chippenham should be able to make available land for future employment use, particularly where there is no end user, rather than be required to deliver premises that, may or may not, meet the specification/requirements of an unknown future user.

It should be noted that Barratt Developments Plc also includes the Wilson Bowden Group. A specialist employment developer with extensive expertise of delivering high quality employment development. Therefore, Barratt Developments Plc have the capability of delivering employment at Rawlings Green within the plan period. Barratt seek to work with the Council and others to deliver additional employment land at Rawlings Green.

### Criterion 2

*The capacity to provide a mix of house types, for both market and affordable housing, alongside the timely delivery of the facilities and infrastructure necessary to serve them.*

Barratt support Criterion 2 regarding housing.

Rawlings Green has capacity to provide approximately 700 dwellings, including a mix of house types for both market and affordable housing.

The proposed urban extension at Rawlings Green will deliver new facilities and infrastructure at Chippenham. A new primary school and a local centre to serve the new development will be provided.

The Rawlings Green development will also deliver new points of access. A link to Parsonage Way and a new bridge over the main railway line will be delivered in conjunction with the development. This will ensure connectivity to the north and will function in combination with the North Chippenham Distributor Road, to be delivered by the North Chippenham development proposal to provide improved connectivity to the north. Barratt is entering into an option agreement with Network Rail shortly regarding the delivery of the bridge.

The Rawlings Green site can also secure the delivery of a second point of access to Monkton Park. In combination with the railway bridge, the Rawlings Green site offers the unique opportunity to improve access to and egress from Monkton Park. Furthermore, such a link would improve access to the town centre, the railway station and Wiltshire College. My client seeks early confirmation from Wiltshire Council that land at Darcy Close be made available under licence for the Rawlings Green scheme to enable the construction of Monkton Park link road to progress.

### Criterion 3

*Improves local traffic access to the primary road network and redresses traffic impacts affecting the effectiveness of the town centre.*

Barratt support Criterion 3.

As stated above, the Rawlings Green mixed use urban extension can improve local traffic access to the primary road network and help redress traffic impacts affecting the attractiveness of the town centre. It can secure the provision of key infrastructure as

specified above, which will improve access to the town centre and the primary road network, particularly in combination with the North Chippenham Distributor Road.

#### Criterion 4

*Improves accessibility by alternatives to the private car to the town centre, railway station and colleges.*

Barratt support Criterion 4.

It is noted that the alternatives to the private car are walking, cycling and public transport. The Rawlings Green mixed use urban extension through the delivery of the Monkton Park Link and off-site contributions to improvements to the footpath network, the cycling network and public transport services, is well placed to improve accessibility to Chippenham Town Centre, the Railway Station, schools and colleges.

Given the geographical relationship of the Rawlings Green site to the town centre, railway station, schools and colleges at Chippenham, Barratt consider that the Rawlings Green site performs extremely well against Criterion 4.

Barratt note that the contribution from Rawlings Green towards the Chippenham Transport Package remains a matter for negotiation.

#### Criterion 5

*Has an acceptable landscape impact upon the countryside and the settings to Chippenham and surrounding settlements, improves biodiversity and access to the countryside.*

Barratt note Criterion 5. Caution needs to be taken with the application of this criterion as it combines landscape, biodiversity and access to the countryside matters. Clearly, locations that perform best in terms of improving access to the countryside, either through provision of links to the existing Rights of Way network or the provision of publicly accessible amenity may not necessarily be the best location in terms of biodiversity or landscape conservation.

Barratt note that the Rawlings Green site has been subject to detailed landscape assessment and it is considered acceptable in landscape terms. Furthermore, it also has been the subject of extensive ecological surveys. The proposed development at Rawlings Green will seek to protect the limited ecological interests and the proposed landscaping and public open space will result in improved biodiversity and public access.

The Rawlings Green site includes connections to existing Rights of Way network and a new country park along the River Avon.

#### Criterion 6


*Avoids all areas of flood risk (thereafter within Zone 2) and surface water management reduces the risk of flooding elsewhere.*

Barratt support Criterion 6, which is consistent with the NPPF. The Rawlings Green site only proposes development on Zone 1 land. Any floodplain land within the general location would be retained as multifunctional green infrastructure.

Barratt note that a revised development trajectory is sought for Rawlings Green. I enclose an updated draft Statement of Common Ground and its addendum for Rawlings Green which addresses this matter.

Please do not hesitate to contact me should you require any further information regarding Rawlings Green.

Yours sincerely



Mark Fox  
Director  
E-mail: [mark.fox@pegasuspg.co.uk](mailto:mark.fox@pegasuspg.co.uk)

Enc.

Cc: J Sutcliffe  
G Clampitt Dix

---

**WILTSHIRE CORE STRATEGY  
EXAMINATION IN PUBLIC  
STATEMENT OF COMMON GROUND**

**between**

**WILTSHIRE COUNCIL  
AND  
BARRATT DEVELOPMENTS PLC**

**concerning**

**TRANSPORT AND HIGHWAY MATTERS INCLUDING  
PROPOSED VEHICULAR BRIDGE OVER MAIN LINE RAILWAY  
RAWLINGS GREEN, CHIPPENHAM**

### **Introduction**

1. This Statement of Common Ground is provided in respect of the Rawlings Green site at Chippenham.
2. This statement is structured to provide the Inspector with a summary of the areas of agreement between the Council as Highway Authority and Barratt Developments Plc in relation to transport and highway matters. This statement complements those matters which are recorded in the revised Statement of Common Ground.

### **Transport**

3. Both parties agree that there should be a link road connection between Cocklebury Road (the Cocklebury link) and Parsonage Way via a new vehicular bridge over the railway line.
4. Both parties agree that the new link road proposed will deliver a long term aspiration of the Council to provide an alternative link out of Monkton Park. As such it will provide a wider strategic function in improving transport connectivity around the town, and in and out of the town centre to the A350, particularly when combined with the proposed North Chippenham Link Road between the B4069 and the A350 Malmesbury Road roundabout, which will be delivered by the North Chippenham Strategic Site (NCSS).
5. The land required for the Cocklebury Link is in the ownership of Wiltshire Council. It is necessary, therefore, for the Council to deliver a license to permit the construction of the link, which the Council have indicated they are willing to do.
6. Both parties are committed to facilitating the early delivery of the bridge, the Cocklebury link and the road connections between the two. It is further agreed that the development will commence from the Cocklebury Link end and that the precise number of dwellings to be served via the Cocklebury Link prior to the completion of the bridge will be determined at the planning application stage. With the information currently available, in the order of 100 homes would be appropriate.
7. Both parties agree that with the completion of the bridge over the railway in the order of additional 200 dwellings could be served via the bridge prior to the completion of the road linking the bridge to the Cocklebury Link and the opening of the North Chippenham Link Road.

8. Having regard to other infrastructure costs, it is agreed that the development proposals should facilitate the delivery of safe pedestrian and cycle routes within the site and should contribute, where practicable and reasonable, the improvement of pedestrian and cycle connections to the town centre, railway station and schools.
9. Both parties agree that the development proposals should be supported by improvements to public transport between the development, town centre and other local destinations.
10. Both parties agree that the proposed development should facilitate, where practicable, safe and convenient pedestrian and non-vehicular links to the wider public rights-of-way network.
11. The Chippenham Transport Strategy was published on the 17 May 2013. Barratt Developments Plc supports the study and the preferred package of measures as now set out therein. Barratt Developments Plc acknowledges that there will be further negotiations in relation to the preferred package and how it relates to Rawlings Green, in particular the degree to which the Rawlings Green site will be expected to make financial contributions to the implementation of the Chippenham Transport Strategy in addition to the highway improvements that will be provided.

### Railway Bridge

12. The parties agree that the proposed vehicular bridge can be located over the main line railway where Parsonage Way currently ends and thus allows that road to be extended into the proposed allocation. Barratt is looking to enter into an agreement with Network Rail shortly to deliver the bridge.

### General Arrangement

13. Both parties agree that the new vehicular bridge will be designed to carry the link road, including provision for pedestrians and cyclists over the mainline railway and form a connection to Parsonage Way. The design of the bridge will be secured through standard agreements between the developer, Network Rail and Wiltshire Council.
14. The parties agree that a typical cross section of the road over the bridge appears on the relevant plan, drawing no. D156/102 Rev.A, a copy of which appears in **Appendix 1** duly attached to the minutes agreed with Network Rail referred to below.



15. The parties agree the bridge shall have a single clear span with a preferred minimum headroom clearance of 5.8m to permit electrification of the railway line and a nearside minimum clearance of 4.5m to the abutments as required by Network Rail. The parties agree that drawing no. D156/102 Rev.A shows these dimensions can be readily achieved.

#### Adoption of Bridge and Approval in Principle

16. The parties agree that Wiltshire Council as Highway Authority will adopt the bridge and thereafter maintain it as part of the public highway.

17. The parties agree there will be a tri-partite agreement between them and Network Rail. As recorded in the agreed minutes with Network Rail the Agreement shall be signed before work commences.

18. The parties agree the detailed design shall satisfy Wiltshire Council's Approval in Principle (AIP) procedure which Network Rail will wish to have sight of. As recorded in the agreed minutes, Network Rail does not require its own AIP to be followed. Submission of the same AIP is acceptable as Network Rail will not be adopting the structure.

#### Form of Construction

19. The parties agree the preferred form of construction is precast concrete beams and parapets with an in-situ reinforced concrete slab on permanent formwork comprising the bridge deck, and either reinforced concrete retaining abutment walls or reinforced concrete piers for the substructure. As recorded in the agreed minutes, Network Rail does not object to this form of construction.

20. The parties agree that safety barriers shall be provided on either side leading up to the precast parapets in accordance with the 'Design Manual for Roads and Bridges' and the Road Vehicle Incursion Score process.

21. The parties agree that the type of foundation is subject to a geotechnical survey. If piling is required then Network Rail's zone of interest is measured at 3m from the rail and at a 45° angle, any works in this zone will necessitate track monitoring by the Contractor.

22. As recorded in the agreed minutes, Network Rail and Barratt Developments have agreed that any service pipes carrying fluids and located between the beams shall be sleeved.

23. As recorded in the agreed minutes, Network Rail and Barratt Developments have agreed the surface water run-off from the road shall not discharge to the railway cutting. Land drains to the rear of the abutment walls can discharge to the railway cutting but shall not form part of the positive drainage system serving the road.
24. As recorded in the agreed minutes, Network Rail and Barratt Developments have agreed that the existing boundary fence needs to be checked and where necessary replaced with 1.8m high palisade fence.
25. As recorded in the agreed minutes, Network Rail and Barratt Developments have agreed that any street lighting associated with the bridge should not, given the bridge and lantern's elevation conflict with any signalling lights.
26. As recorded in the agreed minutes, Network Rail will wish to approve the selected contractor's proposed methodology for construction, temporary works including H&S etc, 28 day review period for submission should be allowed for Barratt Developments to accept these procedures.

#### Railway Line Possessions

27. As recorded in the agreed minutes, Network Rail and Barratt Developments have agreed that the bridge deck can be constructed using normal 'rules of the rail possessions', typically comprising 6-8 hour periods at night and which have a lead-in period of 12-16 weeks. Actual dates can be confirmed at the time of construction. Disruptive possessions (typically Christmas/Easter shutdowns) are not necessary; hence there is a greater degree of flexibility towards constructing the bridge.



**Signed on Behalf of Wiltshire Council (Highway Authority):-**

Signature:

.....

Name      Allan Creedy

.....

Position:    Head of Service: Sustainable Transport

.....

Date:

.....

**Signed on Behalf of Barratt Developments Plc (Developer):-**

Signature:



.....

Name:      Christopher Isherwood

.....

Position:    Director: PFA Consulting Ltd

.....

Date:      01 May 2014

.....

# **APPENDIX 1**

# MEETING NOTES



<b>JOB No:</b>	D156		
<b>PROJECT:</b>	RAWLINGS GREEN, CHIPPENHAM- PROPOSED ROAD BRIDGE OVER MAINLINE RAILWAY GW7610		
<b>DATE:</b>	22-04-2013	<b>VENUE:</b>	Network Rail, Swindon

**PRESENT:**

Richard Selwood	Network Rail
Paul Walch	Network Rail
Chris Isherwood	PFA Consulting

**DISTRIBUTION:**

Those Present and Wiltshire Council
-------------------------------------

**1. Introduction**

The purpose of the meeting was to discuss the engineering principles for the proposed road bridge over the mainline railway at Rawlings Green, Chippenham.

Network Rail and Barratt Developments have jointly signed a Basic Asset Protection Agreement as produced by Network Rail.

**2. General Arrangement**

The bridge shall have a single clear span with a preferred minimum headroom clearance of 5.8m to permit electrification of the railway line and a nearside minimum clearance of 4.5m to the abutments. These dimensions can be readily achieved as appears on drawing No. D156/102 Revision A, copy attached.

**3. Adoption of Bridge and Approval in Principle**

Wiltshire Council as Highway Authority will adopt the bridge and thereafter maintain it as part of the public highway.

4. There will be a tri-partite agreement between Wiltshire Council, Network Rail and Barratt, and it shall be signed before permanent works on or over Network Rail land commences.

5. The detailed design shall satisfy Wiltshire Council's Approval in Principle (AIP) procedure which Network Rail will wish to have sight of. Network Rail does not

require its own AIP to be followed. Submission of the same AIP is acceptable as Network Rail will not be adopting the structure.

#### **6. Form of Construction**


Wiltshire Council's preferred form of construction is precast concrete beams and parapets with an in-situ reinforced concrete slab on permanent formwork comprising the bridge deck, and either reinforced concrete retaining abutment walls or reinforced concrete piers for the substructure. Network Rail does not object to this form of construction.

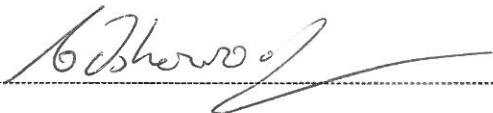
7. The parties agree that safety barriers shall be provided on either side leading up to the precast parapets in accordance with the 'Design Manual for Roads and Bridges' and the Road Vehicle Incursion Score process.
8. The type of foundation is subject to a geotechnical survey. If piling is required then Network Rail's zone of interest is measured at 3m from the rail and at a 45° angle, any works in this zone will necessitate track monitoring by the Contractor.
9. Any service pipes carrying fluids and located between the beams shall be sleeved.
10. Surface water run-off from the road shall not discharge to the railway cutting. Land drains to the rear of the abutment walls can discharge to the railway cutting but shall not form part of the positive drainage system serving the road.
11. The existing boundary fence needs to be checked and where necessary replaced with 1.8m high palisade fence.
12. Street lighting associated with the bridge should not, given the bridge and lantern's elevation conflict with any signalling lights.
13. Network Rail will wish to approve the selected contractor's proposed methodology for construction, temporary works including H&S etc, 28 day review period for submission should be allowed for Barratt Developments to accept these procedures.

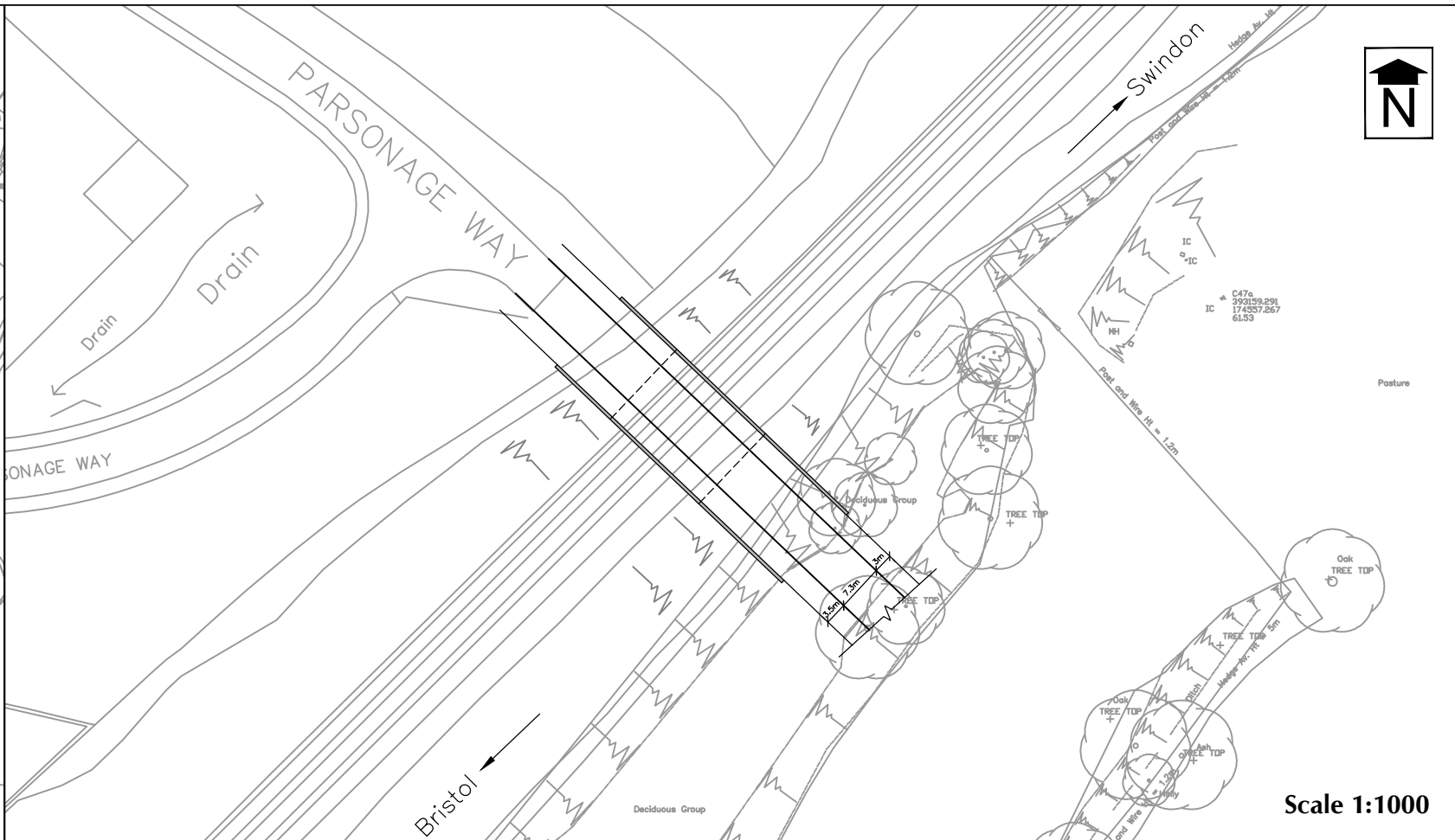
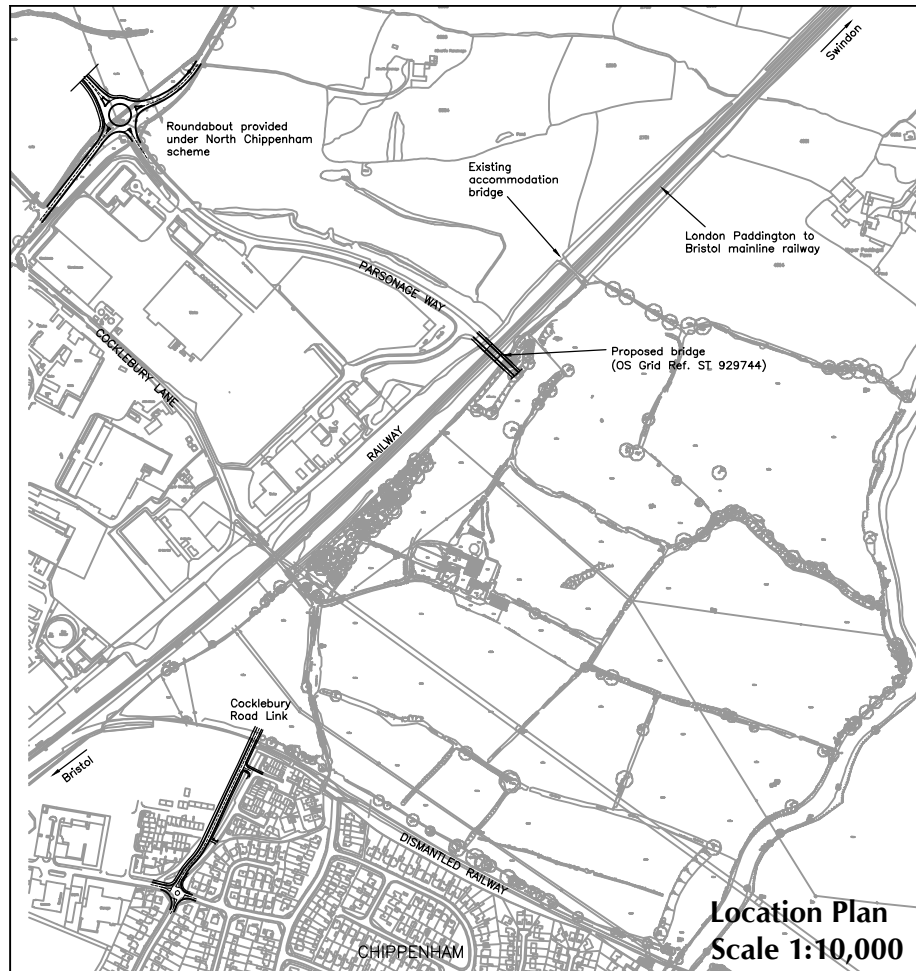
**14. Railway Line Possessions**

The bridge deck can be constructed using normal 'rules of the rail possessions', typically comprising 6-8 hour periods at night and which have a lead-in period of 12-16 weeks. Actual dates can be confirmed at the time of construction. Disruptive possessions (typically Christmas/Easter shutdowns) are not necessary; hence there is a greater degree of flexibility towards constructing the bridge.

**The above minutes are a fair and reasonable record of the discussions:-**

Name:  \_\_\_\_\_  
Position: Richard Selwood, Asset Protection Project Manager, Network Rail  
Date: 23<sup>rd</sup> May 2013

Name:  \_\_\_\_\_  
Position: Christopher Isherwood, Director, PFA Consulting Ltd  
Date: 24 May 2013



Stratton Park House, Wanborough Road  
Swindon, SN3 4HG

Telephone  
01793 828000

Facsimile  
01793 835500

Email  
admin@pfapl.com

Website  
www.pfapl.com

**NOTES**

Location based on Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright PFA Consulting Licence No. AL 10000054

Topographical survey undertaken by Brunel Surveys Ltd dated September 08.

**THIS PLAN DOES NOT PURPORT TO SHOW THE FINAL DESIGN**

**PRELIMINARY**

Rev	Date	Description	Initials

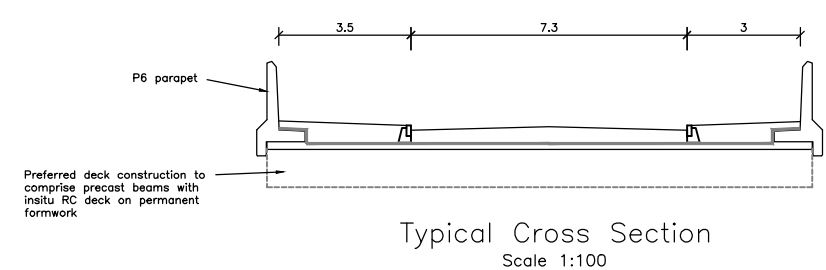
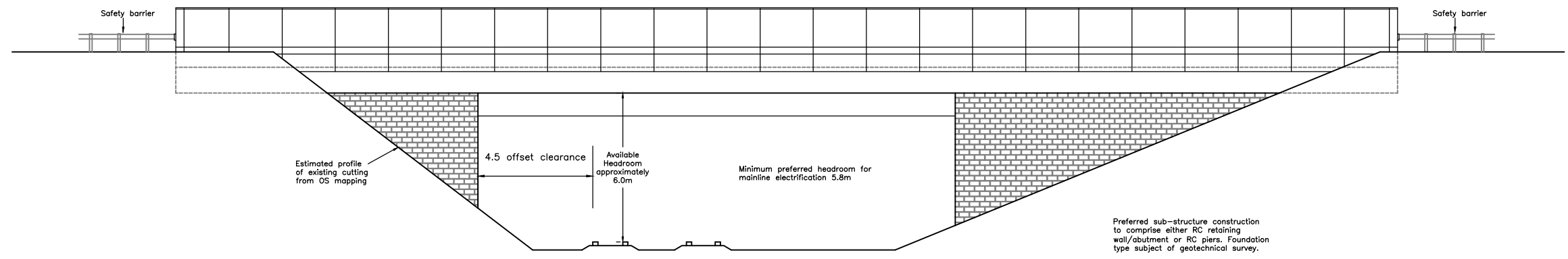
Client  
**Barratt Developments PLC**

Project  
**Rawlings Green East Chippenham**

Drawing Title  
**Indicative Layout of Proposed Railway Bridge**

Drawing No. **D156/102**

Date	March 2012
Scale	As shown @ A3
Drawn By	CS
Checked By	JA
E-Mail	jalexander@pfapl.com
File Ref.	D156\Drawings\D156-101-103.dwg



**Wiltshire Core Strategy  
Examination in Public  
Statement of Common Ground**

**Between**

**Wiltshire Council**

**And**

**Barratt Developments Plc**

**Concerning**

**Rawlings Green, Chippenham**

## **Introduction**

1. This Statement of Common Ground is provided in respect of the proposed Rawlings Green development.

## **Core Policy 2**

2. Both parties agree that the Rawlings Green site (RGS) is 'available, suitable and achievable.' The scheme has the capability to deliver residential and employment development in accordance with the aims of the Core Strategy. Barratt Developments Plc intends to submit a formal outline planning application by December 2014. This demonstrates a commitment to delivering the Rawlings Green site during the plan period.
3. It is agreed between both parties, if allocated, that the RGS would be a mixed-use development.
4. It is agreed between both parties that Barratt Developments Plc will prepare a comprehensive master-plan for the site that provides clear detail on the nature of the proposed development in terms of the housing, employment land and appropriate infrastructure.
5. Both parties are committed to facilitating the early delivery of the employment element of the scheme subject to access and the essential infrastructure as part of the proposed development.
6. It is agreed between both parties that the Rawlings Green site should include 6 ha of employment land and 700 homes and be brought forward through a master planning process.

## **USE**

7. Both parties agree the RGS should be identified in the Chippenham Site Allocations DPD for 6ha of employment land, 700 dwellings and public open space, as well as community facilities including a new Primary School.

## **Key Objectives**

8. Both parties agree the overarching key objective for Rawlings Green:  

"To deliver a sustainable urban extension containing 6.0ha employment land, 700 dwellings, public open space and community facilities which will contribute to improving the critical mass of the town thereby supporting improved services and helping to deliver enhanced infrastructure".
9. Both parties agree that the proposed development would secure a road bridge over the railway line which will improve transport connectivity around the town.



10. Both parties agree that the proposed Riverside Park will enhance and protect the landscape quality and biodiversity of the River Avon corridor and improve connectivity between Chippenham and the wider countryside, in particular through the increased access provided by the riverside park.
11. Both parties agree the overall affordable housing percentage will be agreed as part of the overall S106/CIL package for the proposed development.

### **Physical Requirements**

12. Both parties agree that the proposed development will make provision for drainage, including sewerage via the mains sewer system and surface water via a sustainable drainage system.
13. Both parties agree that the opportunity exists to place the overhead power lines underground, subject to viability, technical and practical considerations.

### **Transport**

14. Both parties agree that there should be a link road connection between Cocklebury Road (the Cocklebury link) and Parsonage Way via a new vehicular bridge over the railway line.
15. Both parties agree that the new link road proposed will also provide a wider strategic function in improving transport connectivity around the town, particularly when combined with the proposed North Chippenham Link Road between the B4069 and the A350 Malmesbury Road roundabout, which will be delivered by the North Chippenham Site (NCS).
16. Both parties agree that the new vehicular bridge will be designed to carry the link road, including provision for pedestrians and cyclists over the mainline railway and form a connection to Parsonage Way. The design of the bridge will be secured through standard agreements between the developer, Network Rail and Wiltshire Council.
17. Both parties are committed to facilitating the early delivery of the bridge, the Cocklebury Link and the road connections between the two. It is further agreed that the development will commence from the Cocklebury Link end and that the precise number of dwellings to be served via the Cocklebury Link prior to the completion of the bridge will be determined at the planning application stage. With the information currently available, in the order of 100 homes would be appropriate.
18. It is agreed that the development proposals should facilitate the delivery of safe pedestrian and cycle routes within the site and should contribute where practicable and reasonable to the improvement of pedestrian and cycle connections to the town centre, railway station and schools.

19. Both parties agree that the development proposals should be supported by improvements to public transport between the development, town centre and other local destinations.
20. Both parties agree that the proposed development should facilitate, where practicable, safe and convenient pedestrian and non-vehicular links to the wider public rights-of-way network.

### **Social and Community**

21. Both parties agree that the development will provide one 1FE primary school, including a site.
22. Both parties agree that other planning obligations (including financial contributions) will be required to secure the other social and community infrastructure. Both parties agree that that these contributions should be made subject to evidence of need, the requirements of CIL Regulations and overall development viability.

### **Economy**

23. Both parties agree that provision will be made for a variety of employment uses across the B use classes within the 6.0 ha of employment at RGS.

### **Green Infrastructure**

24. Both parties agree that a new riverside park will be provided and that riverside access will be extended alongside the site from Monkton Park and link to the wider countryside to the north.
25. Both parties agree that public footpath CHIP43 should be incorporated into the scheme development, or diverted if necessary, to ensure that this green link between town and countryside is maintained.
26. Both parties agree that the development will provide for childrens play, accessible green space, sports pitches and allotments.
27. Both parties agree the on-going management and maintenance of the riverside park and other public open space will be subject to detailed agreement as part of the planning application process.

### **Ecology**

28. The submitted Ecological Appraisal details the extensive ecological surveying and assessment that has been undertaken at the site. Both parties agree that no significant ecological constraints have been identified and that the limited constraints which have been identified can be accommodated within the proposed development.

### **Landscape**

29. Both parties agree that there are no significant landscape constraints to the development of the site.

### **Archaeology and Historical Interest**

30. The Archaeological and Heritage Assessment which has been prepared for the site has not identified any above or below ground heritage remains of such significance to preclude development of the site. However, both parties acknowledge that the heritage assets which have been identified will need to be addressed through the planning application and master plan processes.
31. Both parties agree that the scheme should incorporate a landscaped buffer along the site's northern boundary to protect the setting of, and views from, the Langley Burrell and Tytherton Lucas Conservations Areas. This is consistent with the suggested change proposed in the Statement of Common Ground between Wiltshire Council and English Heritage. (reference SOCG1)

### **Key Delivery Milestones, Monitoring and Review**

32. Both parties agree that this site has been chosen because of its strategic nature (offering employment creation and significant housing numbers) which would contribute to improving the critical mass of Chippenham thereby supporting improved services help to deliver enhanced infrastructure and make a significant contribution to help redress the existing levels of out-commuting. The delivery of the site is scheduled within the plan period as set out in Appendix 1.

### **Delivery Mechanism**

33. Both parties agree with the principle of a masterplan led approach.

## Appendix 1: Rawlings Green Delivery Schedule

### Overall timetable

It is agreed that both parties will seek to ensure the delivery of the RGSS as per the following timetable:

- Submission of Outline Planning Application: December 2014
- Determination of Outline Planning Application: January 2016
- Completion of S106 Agreement: January 2017
- Outline Consent: January 2017
- Approval of 1st Reserved Matters Application: July 2017
- Discharge of Conditions and 1st Legal Completions: March 2018

Delivery of residential development at the following rate:

	Per Annum	Cumulative total
2017/18:	45	45
2018/19:	80	125
2019/20:	80	205
2020/21:	80	285
2021/22:	85	370
2022/23:	85	455
2023/24:	85	540
2024/25:	80	620
2025/26:	80	700

This is based on a scheme of 700 dwellings and an assumption that the development will deliver at least 80 dwellings a year (based on two outlets).

The employment land will be delivered at an early stage of development, once access over the bridge is available.

## Key infrastructure

The delivery of each key infrastructure is addressed in the Infrastructure Delivery Plan, with updates provided by officers and developers (or other site representatives). Key infrastructure requirements are presented in the following table.

Infrastructure requirement in IDP/development template	Current position
Reinforcement of Electricity Network and possible diversion of existing Overhead Power Lines	Barratt intend to ground the existing overhead power cables. Discussions with Scottish and Southern are on-going. The details will be agreed as part of the application process.
Expansion of water supply and waste networks capacity	Connection to the water mains network is available. Barratt will make a reasonable contribution towards the expansion of supply if necessary. In terms of waste, potential on-site treatment is envisaged. However, if alternatively an off-site solution proves necessary Barratt will make a reasonable contribution towards any necessary enhancements of the waste network capacity.
1FE primary school and site	Barratt agree to provide a 1FE primary school and site. Details and timing of provision will be agreed as part of the application process
Chipp45 (Cocklebury Lane): <ul style="list-style-type: none"> <li>• Surface upgrades</li> <li>• Link to strategic site</li> </ul> Upgrade to bridleway, with landowner consent.	Barrat seek to provide the Cocklebury Link. The details will be agreed at the planning application stage.  Barratt will make a reasonable contribution towards any necessary upgrading of the bridleway, subject to consent from the landowner.
Improvements to walking and cycling routes, public transport services and associated facilities	Barratt will incorporate on-site improvement to walking and cycling routes, public transport services and associated facilities.  Barratt will make a reasonable contribution towards any necessary

	<p>improvements to walking and cycling routes, public transport services and associated facilities.</p> <p>The details of any improvements will be agreed at the planning application stage based on the findings of a Transport Assessment.</p>
<p>Delivery of a road link between Cocklebury Road, over the mainline railway to form a connection to Parsonage Way.</p>	<p>Barratt is committed to the delivery of the road over the railway connecting to Parsonage Way.</p> <p>Barratt is actively negotiating the details to deliver the rail bridge.</p> <p>Wiltshire Council is considering the emerging designs for the railway bridge and are, in principle, happy to enter into a tripartite agreement with Barratt and Network Rail over the future adoption and maintenance of the bridge.</p>
<p>Ecological surveys</p>	<p>Aspect Ecology conducted a suite of ecological surveys for a wider study area in 2007 and 2009.</p> <p>Updated survey work for Rawlings Green was undertaken in 2010 and 2012.</p> <p>A Phase 1 Habitat Survey undertaken by Aspect Ecology in 2008 and was updated in 2010 and 2011.</p> <p>Specific surveys have been conducted in respect of bats, badgers, water voles, otters, Great Crested Newts, Barn Owls and Breeding Birds.</p> <p>Phase 2 Ecological surveys to be undertaken by Aspect Ecology as part of the Environmental Statement are being prepared to support the planning application</p> <p>No significant ecological issues have been identified that could not be</p>

	<p>accommodated within a sensitively designed development.</p>
<p>Landscape and visual impact assessment</p>	<p>A Landscape and Visual Appraisal was prepared for the site by Pegasus Environmental in July 2011 including an arboricultural appraisal and hedgerow appraisal.</p> <p>Landscape and Visual Impact forms part of the Environmental Statement which will support the planning application.</p>
<p>Assess areas of archaeological and historical interest.</p>	<p>A heritage appraisal has been prepared by Cotswold Archaeology for the site in July 2011</p> <p>Several phases of archaeological survey have been undertaken within the site.</p> <p>The appraisal and survey work to date has not identified any above or below ground heritage remains of sufficient significance to preclude development.</p>
<p>Flood Risk Assessment</p>	<p>A Flood Risk Assessment and Drainage Strategy was prepared by PFA Consulting in 2012.</p> <p>Flood Risk and Drainage will be part of the Environmental Statement which will support the planning application</p> <p>The majority of the site is Flood Zone 1.</p>

**Signed on Behalf of Wiltshire Council (Local Authority)**

.....

Name: .Georgina Clampitt-Dix .....

Position: Head of Spatial Planning, Economy and Regeneration, Wiltshire Council

Date: .....29/04/02014.....

**Signed on Behalf of Barratt Developments plc (Developer)**

.....

Name: Mark Fox

Position: Director Pegasus Group

Date: ...29/04/2014.....



**Wiltshire Core Strategy  
Examination in Public  
Statement of Common Ground**

**between**

**Wiltshire Council**

**and**

**Ashton Park Trowbridge and Persimmon Homes**

**concerning**

**Ashton Park, Trowbridge**

## **1.0 Introduction**

- 1.1 This Statement of Common Ground is provided in respect of the identification of Ashton Park, Trowbridge as a proposed strategic allocation within the draft Wiltshire Core Strategy at Core Policies 2 and 29 and as detailed within the Development Template in Appendix A.
- 1.2 This statement is structured to provide the Inspector with a summary of the areas of agreement between the council and Ashton Park, Trowbridge (APT) and Persimmon Homes. Any proposed changes to the Wiltshire Core Strategy are expressed in *italics or strikethrough*. Any changes sought by APT and Persimmon Homes not agreed are shown in **[bold]**. Appendix 1 details the remaining limited minor areas of dispute between Wiltshire Council and APT and Persimmon Homes.

## **2.0 Core Policies 2 and 29**

- 2.1 Both parties agree that the Ashton Park Strategic Site (APSS) is 'available, suitable and achievable.' The scheme has the capability to deliver residential and employment development in accordance with the aims of the draft Core Strategy. ATP and Persimmon Homes intend to submit a formal outline planning application by September 2013. This demonstrates a commitment to delivering the APSS during the plan period.
- 2.2 It is agreed between both parties that the APSS will be a comprehensive sustainable mixed-use development, as annotated on the policies map.
- 2.3 It is agreed between both parties that APT and Persimmon Homes will prepare a comprehensive master-plan, which will be subject to public consultation, for the site that provides clear detail on the nature of the proposed allocation/development in terms of the housing, employment land and appropriate infrastructure.
- 2.4 Both parties are committed to facilitating the early delivery of the employment and the essential infrastructure as part of the proposed development.

## **3.0 Development Template (Appendix A)- Ashton Park Strategic Site**

### **Use**

- 3.1 Both parties agree the APSS should be identified for 15ha of employment land, 2,600 dwellings and public open space, as well as community facilities.

## **Key Objectives**

- 3.2 Both parties agree the overarching key objective:
- 3.3 *“To deliver a high quality, sustainable urban mixed use urban extension containing 15.0ha employment land, 2,600 dwellings, public open space, community facilities and a suitable mix of housing’*
- 3.4 Both parties agree that subsequently a Masterplan will be prepared for the whole allocation indicating the distribution of uses across the site together with movement corridors and areas of open space and that this will form the basis for determining planning applications
- 3.5 Both parties agree the overall affordable housing percentage will be agreed as part of the overall S106/CIL package for the proposed development.
- 3.6 Both parties agree that the APSS will provide 15 hectares of new employment land for a mix of Class B uses and other employment generating activities, such as at the local centres and primary schools.
- 3.7 Both parties agree that the APSS will be integrated with the existing town and town centre.
- 3.8 Both parties agree to ensure that the natural environment is conserved and enhanced, particularly any species associated with the Bath and Bradford on Avon Bats SAC.

## **Infrastructure Requirements**

- 3.9 Both parties agree that no revisions are necessary to this element of the development template.

## **Physical Requirements**

- 3.11 APT and Persimmon Homes have highlighted various minor changes to the Physical Requirements section of the template set out in Appendix 1 of this SOCG.
- 3.12 It is noted that revised text is proposed regarding Flood Zones 2 and 3, agreed between Wiltshire Council and the Environment Agency. APT and Persimmon note the revised text and do not object to the proposed change.

## **Transport**

- 3.13 Both parties agree that the development site is in a sustainable location with good accessibility to local facilities and the town centre.
- 3.14 It is agreed that the development proposals should facilitate the delivery of safe pedestrian and cycle routes within the site and should contribute, where practicable and reasonable, to the improvement of pedestrian and cycle connections to the town centre.
- 3.15 Both parties agree that the development proposals should be supported by improvements to public transport between the development, the town centre and local destinations.
- 3.16 Both parties agree that the Masterplan should facilitate where practicable, safe and convenient pedestrian and non-vehicular links to the wider public rights of way network.
- 3.17 Both parties broadly support the Trowbridge Transport Strategy Emerging Strategy and its subsequent development, including those components directly relevant to the development proposals and these will be set out in the Transport Assessment when planning applications are prepared in the usual way. That support includes the provision of the Yarnbrook Relief Road by the developers and the principle of a "shared approach" between the parties towards the provision of a West Ashton Relief Road or other suitable alternative, such as junction and/or on line improvements.
- 3.18 APT and Persimmon Homes have highlighted various other minor changes to the Transport section of the Ashton Park template set out in Appendix 1 of this SOCG.

## **Social and Community**

- 3.19 Both parties agree that no revisions are necessary to this element of the development template.

## **Economy**

- 3.20 Both parties agree that provision will be made for a variety of employment uses across the B use classes within the 15.0 ha employment allocation as part of the APSS.

3.21 APT and Persimmon Homes have highlighted various other minor changes to the Economy section of the Ashton Park template set out in Appendix 1 of this SOCG.

### **Green Infrastructure**

3.22 APT and Persimmon Homes have highlighted various other minor changes to the Green Infrastructure section of the Ashton Park template set out in Appendix 1 of this SOCG.

### **Ecology**

3.23 APT and Persimmon Homes have highlighted various other minor changes to the Ecology section of the Ashton Park template set out in Appendix 1 of this SOCG.

### **Landscape**

3.24 Both parties agree that there are no significant landscape constraints to the development of the site.

3.25 APT and Persimmon Homes have highlighted various other minor changes to the Landscape section of the Ashton Park template set out in Appendix 1 of this SOCG.

### **Archaeology and Historical Interest**

3.26 APT and Persimmon Homes have highlighted various other minor changes to the Archaeology and Historical Interest section of the Ashton Park template set out in Appendix 1 of this SOCG.

### **Delivery Mechanism**

3.27 Both parties agree with the principle of a masterplan-led approach.

3.28 APT and Persimmon Homes have highlighted various other minor changes to the Delivery Mechanism section of the Ashton Park template set out in Appendix 1 of this SOCG.

### **Key Delivery Milestones, Monitoring and Review**

3.29 Both parties agree that this site has been chosen because of its strategic benefit (offering employment creation potential and significant housing numbers) which will contribute to improving the critical mass of Trowbridge; such growth will underpin improved services and help to deliver enhanced infrastructure as well as making a significant contribution to help reduce the existing levels of out-

commuting from the town. The delivery of the site is scheduled within the plan period as set out below.

3.30 While there are areas of disagreement these are not considered so significant to preclude the development from coming forward and should form the basis of discussions during the forthcoming hearing sessions.

### **Ashton Park Development Template**

3.31 It is agreed that the Core Strategy should contain a development template for the Ashton Park strategic site. However, there remains some limited on-going disagreement regarding the precise wording appropriate for particular bullet points in the Ashton Park template.

## **4.0 Delivery**

4.1 It is agreed that both parties will seek to ensure the delivery of the APSS as per the following timetable:

Submission of Outline Planning Application: September 2013

Determination of Outline Planning Application: April 2014

Completion of S106 Agreement: No later than September 2014

Outline Consent: September 2014

Approval of 1<sup>st</sup> Reserved Matters Application: Early 2015

Discharge of Conditions, Commencement and 1st Legal Completions: 2015/2016

Delivery of residential development is anticipated at the following rate:

	P.A.	Cumulative
2015/16:	100	100
2016/17:	250	350
2017/18:	250	600
2018/19:	250	850
2019/20:	250	1,100

2020/21:	250	1,350
2021/22:	250	1,600
2022/23	250	1,850
2023/24	250	2,100
2024/25	250	2,350
2025/26	250	2,600

4.2 This is based on a scheme of at least 2,600 dwellings and an assumption that the development will generally deliver at least 250 dwellings a year (based on four outlets including affordable housing).

## Key infrastructure

Key infrastructure requirements are set out in the Development Template. The delivery of each is addressed in the Infrastructure Delivery Plan, with updates provided by officers and developers (or other site representatives). Key infrastructure requirements are presented in the following table.

Infrastructure requirement in IDP/development template	Current position
Essential capacity improvements to water supply and waste networks	Connection to the water mains network is available. APT & Persimmon Homes will make a reasonable contribution towards water supply as necessary. APT & Persimmon Homes will make a reasonable contribution towards any necessary enhancements of the waste network capacity.
Extension of and buffering to the existing Biss Meadows CWS and Country Park.	The Ashton Park Urban Extension will include an extension to the Biss Meadows Country Park and buffering to the woodland at Biss Wood.
Reinforcement of Electricity Network, primary sub station plus possible diversion of existing Overhead Power Lines	APT and Persimmon will contribute towards the reinforcement of the electricity network and the primary Sub station. It is not intended to divert the existing OHP cables. Discussions with Scottish and Southern are on-going. The details will be agreed as part of the application process.
Connection to existing gas mains	APT and Persimmon Homes will connect the Urban Extension to the existing gas mains, where appropriate.
Creation of Greenspace/G I corridor	The urban extension will incorporate a major greenspace corridor along the River Biss.
Two new 14 class primary schools on sites of at least 1.8 ha.	The urban extension will include two sites for primary schools of at least 1.8 ha. Primary Education provision will be made. The details will be determined at the planning application stage.
Access and Internal loop road	The urban extension will include an access and internal loop road. The details will be determined at the planning application stage.
Contribution to development of childcare provision	APT and Persimmon Homes, subject to viability, will make a reasonable contribution towards the development of childcare provision at Ashton Park.
Contribution to enhancing the River Biss	The urban extension will include a network of walking and cycling routes.



<p>Corridor, including walking and cycling routes to link to existing routes.</p>	<p>APT and Persimmon Homes will make a reasonable contribution to linking such routes to the existing network.</p>
<p>Provision of 2 links, including bridges across stream to WASH 16 and TROW 125. Upgrade these routes and SASH44 to bridleway status if possible</p>	<p>The urban extension will include a network of walking and cycling routes. APT and Persimmon Homes will make a reasonable contribution to upgrading routes on the existing network, where appropriate and subject to viability..</p>
<p>Creation of new woodland/ ecological connectivity between Green Lane Wood, Biss Wood and Picket and Clanger Wood</p>	<p>The urban extension will address new woodland planting and ecological connectivity where relevant. It is noted that Green Lane Wood and Picket and Clanger Wood are outside, and some distance from, the proposed urban extension.</p> <p>A reasonable contribution to off site provision will be made, subject to viability.</p>
<p>Pedestrian/cycle link to West Ashton Crossroads, avoiding the need to use the West Ashton Road to cross the A350</p>	<p>This matter will be addressed at the planning application stage.</p>
<p>Rights of way links through the site</p>	<p>The urban extension will include a network of rights of Way links though the site.</p>
<p>New right of way link from WASH8 to A350 E of Ashton Hill Farm to be provided through green space. NBRA44, WASH20, WASH19, WASH6, WASH8 and WASH 5 to be upgraded.</p>	<p>This matter will be addressed at the planning application stage.</p>
<p>Destination Play Area</p>	<p>The urban extension will include a destination play area.</p>

**Signed on Behalf of Wiltshire Council (Local Authority)**

*GC Dix*

.....

Name: Georgina Clampitt-Dix .....

Position: Head of Spatial Plans, Economy and Regeneration, Wiltshire Council

Date:.....19/04/2013.....

**Signed on Behalf of Ashton Park Trowbridge & Persimmon Homes (Developer)**

*Mark Fox*

.....

Name: Mark Fox.....

Position: Director Pegasus Group.....

Date:...19.04.2013.....

## Appendix 1 Alternative Wording Not Agreed By Wiltshire Council

### Alternative Core Policy 29: Spatial Strategy: Trowbridge Community Area

Development in the Trowbridge Community Area should be in accordance with the settlement strategy set out in Core Policy 1.

Principal Settlement: Trowbridge

Larger Villages: Hilperton, North Bradley and Southwick

Small Villages: West Ashton and Yarnbrook

The following Principal Employment Areas will be supported in accordance with Core Policy 35: Canal Road Industrial Estate; White Horse Business Park, West Ashton Road; Bryer Ash Business Park and Bradford Road.

Over the plan period (2006 to 2026), 25 ha employment land and at least 6,000 new homes will be provided within the Community Area, of which **at least** 5,860 dwellings should occur at Trowbridge, including land identified to the South East of Trowbridge, which extends towards the A350 to the south and the railway line to the west for strategic growth.

West Ashton Road Saved West Wiltshire District Plan Allocation	10ha	N/A
Ashton Park Urban Extension	15 ha Employment	2,600 Dwellings

The strategic allocation will be brought forward through a master planning **consultation** process **involving** the community, local planning authority, the developer and **others which** meets the requirements as set out in the Development Templates shown in Appendix A

At least 140 homes will be provided in the rest of community area over the plan period. Non strategic development in the Trowbridge Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2 **and the other policies of the plan.**

~~Development proposals in the Trowbridge Community Area will need to demonstrate how those issues and considerations listed in paragraph 5.147 will be addressed.~~

## Alternative Wording for Appendix A Development Template Ashton Park Trowbridge

### Use

**At least** 2,600 dwellings and 15 hectares of employment land.

### Key Objectives

- To deliver a high quality, sustainable and mixed use urban extension providing **up to** 40% affordable housing and a suitable mix of housing in line with Core Policies 45 and 46 **and market demand**.
- To provide 15 hectares of new employment land for a mix of B uses through a high quality business park which will provide an expansion to the existing employment base in the area.
- Development that is integrated with the existing town and town centre.
- To ensure the natural environment is conserved and enhanced, particularly any species associated with the Bath and Bradford on Avon Bats SAC.

### Infrastructure Requirements

Development of the site will be required to meet the infrastructure requirements outlined below. Further detail can be found in the Infrastructure Delivery Plan (IDP)

### Physical Requirements

- A flood risk assessment is required to ensure that development is not encroaching within Flood Zones 2 or 3 and to inform the sequential test.
- Flood mitigation must be provided including an appropriate sustainable drainage scheme.
- Offline flood storage features must be incorporated into a wetland system to reduce any future flooding risk downstream in Trowbridge as a consequence of the proposed development.
- New infrastructure to link to the sewage treatment works or appropriate on site provision.
- Provision of onsite sewers and a financial contribution towards **any** off site works to mitigate against the impact of **the** development.
- Capacity improvements to **the** water supply and waste networks, **as necessary to serve the development**.
- A Sustainable Energy Strategy will be required for the site, in accordance with Core Policy 41.
- Reinforcement of the electricity network and primary sub-station, **as necessary to serve the development**.

- Connection to existing low or medium pressure gas mains, **to serve the development.**

### Transport

- Provision of transport infrastructure in line with the emerging Trowbridge Transport Strategy, **subject to viability**
- Improvements **or contributions** to the Rights of Way identified in the IDP, **where relevant to the Ashton Park urban extension.**

### Social and Community

- Two new 14 class primary schools on sites of 1.8 hectares
- Financial contributions towards existing primary schools as required
- A site must be reserved for a new secondary school
- Financial contributions towards childcare provision facilities or on-site provision,
- Financial contributions towards a new surgery and dental provision or on site provision]

### Economy

- **Subject to demand and viability, the development will include an element of flexible and affordable workspace, across all relevant B Class uses, particularly for small and start up units with an element of 'follow on' space, on accessible lease terms, to provide continuing opportunities for small business, business start-ups and continuation. Start up or incubator units should be supported by shared business infrastructure, relevant to the use class, where viable and there is a demand for such shared infrastructure.** Design and build options should be considered, **where appropriate,** and **Green Travel Plans will be sought for businesses at the Ashton Park employment area, as appropriate.**

### Green Infrastructure

- Provision of a Destination Play Area
- Provision of a multi-functional green infrastructure corridor along the length of the adjacent River Biss, to provide sustainable transport **links,** informal recreation, flood mitigation, enhanced biodiversity and strengthened landscape character.

## Ecology

- A 100m **wide** woodland/parkland buffer between Biss Wood and built development.
- Bat roost sites, foraging habitat and flight lines within the site must be identified, retained and protected **in the development for the long term**. Bat sensitive lighting will be required, **in appropriate parts of the development**.
- Applications will be screened for potential **significant** impacts on the Bath and Bradford on Avon SAC. ~~Any appropriate assessment must conclude 'no likely significant effects'~~.
- Surveys for other relevant protected species and habitats **will be** required prior to development.
- The riparian corridor along the River Biss should be enhanced to create a mosaic of wetland and species rich grassland habitats.
- The site is in a Woodland Strategic Nature Area and the landscaping **for the development will include** a high proportion of woodland planting. Contributions towards **off site** woodland creation in the landscape settling of the site, **subject to viability and deliverability, will be sought**.

## Landscape

- Conserve and enhance the landscape setting of Trowbridge by screening visually intrusive urban edges using landscape infrastructure of native species
- Existing hedgerows **will** be retained and repaired, **where appropriate**. New hedgerow trees of large native species e.g. oak should be planted to restore the clay vale landscape character.
- Existing woodland **on site, where appropriate**, should be conserved and managed to maximise ecological, historic and landscape value.

## Archaeology and Historical Interest

- Prior to development, of **a particular phase of the overall development**, an assessment should be carried out to ensure **that** there are no areas of archaeology and historical interest, **adversely effected by the particular phase of the overall development**.
- **Features of significant archaeological or historic interest will be considered in accordance with Core Policy 58 and national policy.**

## Delivery Mechanism

**The proposed development should be subject to a Master Plan, prepared and agreed, following consultation and partnership working between the local community, the private and public sectors and others.** The master plan will guide the private sector led

delivery of the **proposed development**. The master plan will be approved by the Local Planning Authority as part of the planning application process.

### **Key Delivery Milestones, Monitoring and Review**

In order to expedite the delivery of development **within the plan period** the Council will work closely with developers and landowners to facilitate delivery. This work should include master planning, community engagement and progress on the necessary assessments. If the Council is concerned that significant progress is not being made on the preparation of a planning application, or that, subsequent to the grant of planning permission, as identified through regular monitoring work, there does not appear to be a reasonable prospect of development commencing in a timely manner, in line with the Core Strategy trajectory, a review into the delivery of the site will be instigated. This review will comprise:

- Detailed dialogue with the landowners, developer and their agents to ascertain the cause of delay.
- An update of the Strategic Housing Market Availability Assessment to identify whether market demand has reduced or is being met through other sources.
- A further independent viability study of the site to assess its delivery
- Using the Council's influence to try and remove any barriers identified that stand in the way of progress, such as working with statutory consultees and the community
- As a last resort, if the Council feels that new evidence renders the site undeliverable, a new allocation or allocations equivalent to the Strategic Allocation will be considered through the appropriate development plan process.

An independent viability review of the site will be undertaken by Wiltshire Council within two years to review the standards of delivery set in view of the projected recovery from the recession of 2009. This review will not be undertaken where the developer has demonstrated commitment through delivery in the first two years of the strategy.





**From:** [Francis, Luke](#)  
**To:** [Winslow, Geoff](#); [Tiley, Neil](#)  
**Subject:** FW: Station Road, Westbury  
**Date:** 17 February 2014 08:50:57  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Hi Geoff/ Neil,

Had this update from Mark Fox on Station Road, Westbury. Looks like the timeline has slipped by a year.

Best wishes,

Luke

**Luke Francis**  
Senior Planning Officer

**Spatial Planning**

Economic Development & Planning  
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**From:** Mark Fox [mailto:Mark.Fox@pegasuspg.co.uk]  
**Sent:** 14 February 2014 09:56  
**To:** Francis, Luke; Roberts, Keith; Hambleton, Claire  
**Cc:** Glenn Godwin; Nicky Culley  
**Subject:** RE: Station Road, Westbury

Dear Luke,

Apologies for the slight delay.

I have checked with Persimmon. The trajectory submitted to the EIP has slipped by one year as follows:

17/18	0
18/19	50
19/20	100
20/21	100
21/22	[100]
22/23	[100]

23/24 [50]

Regards

Mark

## Mark Fox MSc DipTP MRTPI

Director

### Pegasus Group

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**From:** Francis, Luke [<mailto:Luke.Francis@wiltshire.gov.uk>]

**Sent:** 04 February 2014 14:28

**To:** Mark Fox; Davis, Paul

**Subject:** Station Road, Westbury

Dear Mark/ Paul,

I hope you've both had a good Christmas and start to the new year.

I'm writing to confirm that there has been no change to the delivery timetable and housing trajectory for the Station Road, Westbury site, as set out in the attached Statement of Common Ground Addendum, since the close of the Core Strategy examination hearing sessions.

Please could you let me know if you still expect the site to be forthcoming in this period.

Thanks and best wishes,

Luke

### Luke Francis

Senior Planning Officer

### Spatial Planning

Economic Development & Planning

Wiltshire Council | County Hall | Trowbridge

Wiltshire | BA14 8JN  
Tel: 01225 718457  
Email: [luke.francis@wiltshire.gov.uk](mailto:luke.francis@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** [Denis Barry](#)  
**To:** [Roe, Christopher](#)  
**Cc:** [Roberts, Keith \(keith.roberts@persimmonhomes.com\)](#); [derekwoodward@hannick.com](#); [McCombe, Tim](#)  
**Subject:** FW: Wiltshire Housing Land Supply  
**Date:** 14 January 2014 12:18:13  
**Attachments:** [imagefa786f.PNG](#)

---

Dear Christopher

I write on behalf of Hannick Homes and Persimmon Homes (Wessex) further to your email below which was forwarded in error to my old employers at RPS. Please see below the completed proforma so far as it relates to the land jointly controlled by our clients at the West Warminster Urban Extension. The proposed trajectory is informed by our emerging proposals for up to 1,200 dwellings as set out in the Council's EIA Scoping Opinion (Ref. 13/00246/SCO) and remains unchanged from that which was considered at the recently re-determined Purton planning appeal.

I trust the information below is sufficient to allow the Council to update its housing land supply analysis however please do not hesitate to contact me should you have any queries.

Best Regards

Denis Barry

[Denis Barry](#)  
Senior Planner

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**From:** Roe, Christopher [<mailto:Christopher.Roe@wiltshire.gov.uk>]  
**Sent:** Wednesday, December 04, 2013 12:01 PM  
**To:** Enquiry Bristol Aztec West  
**Subject:** Wiltshire Housing Land Supply

Dear Sir / Madam

I am writing to request information on the potential for delivery of the committed site known as West of Warminster. Please could you answer the following questions with respect to this site and return to myself ([christopher.roe@wiltshire.gov.uk](mailto:christopher.roe@wiltshire.gov.uk)) by 20th December 2013. This information will be used to inform housing land supply and future housing trajectory within Wiltshire.

1) Site Name & Address: [West of Warminster](#)

2) If the site has planning permission, how many of the proposed dwellings have reached completion (and are habitable)? [N/A](#)

3) For this site, how many of the remaining dwellings (if there are any), are expected to be completed between 1st April and 31st March each year, for the following years?

- 2013/14 - 0
- 2014/15 - 0
- 2015/16 - 0
- 2016/17 - 90
- 2017/18 - 125
- 2018/19 - 140
- 2019/20 - 145
- 2020/21 - 145
- 2021/22 - 140
- 2022/23 - 120
- 2023/24 - 110
- 2024/25 - 100
- 2025/26 - 85

4) For this site, which of the following applies? Please provide additional notes if appropriate.

- The site is owned by a developer with the intention to develop - [Hannick Homes and Persimmon Homes have an option agreement in place and they intend to develop the site as soon as possible.](#)
- The site is owned by a developer with no immediate intention to develop
- The site is not owned by a developer but a developer has expressed interest or has plans to develop
- The site is not owned by a developer and there has been no interest from developers

5) For this site, which of the following applies?

- The site is owned by a single developer.
- The site is owned by multiple developers – [As above.](#)
- The site is owned by a single party that is not a developer
- The site is owned by multiple parties that are not developers
- The site is part owned by developers

6) For this site, which of the following applies? Circle/highlight as many as are

appropriate.

- The site is currently subject to a leasehold
- The site is in a continuing commercial use.
- The site is subject to a ransom strip
- **The site has none of these constraints**

7) Please provide evidence of any other issues preventing this site from being developed, for example:

**Market factors** – uses of adjacent land, economic viability of existing, proposed and alternative uses, attractiveness of the locality, level of potential market demand and projected rate of sales (particularly important for larger sites);

**Cost factors** – site preparation costs relating to any physical constraints, any exceptional works necessary, relevant planning standards or obligations, prospect of funding or investment to address identified constraints or assist development;

**Delivery factors** – the developer's own phasing, realistic build-out rates on larger sites (including likely earliest and latest start and completion dates), the size and capacity of the developer.

[Hannick Homes and Persimmon Homes are actively seeking to deliver the site and are currently at an advanced stage in preparing a planning application further to two public consultation events and extensive dialogue with relevant stakeholders and statutory consultees.](#)

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Please do not hesitate to contact me if you have any queries.

Yours sincerely

**Chris Roe**

Senior Planning Officer  
Monitoring & Evidence  
Economic Development & Planning  
Wiltshire Council  
Tel: 01225 713979

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# Wiltshire Council Housing Land Supply

## Appendix 11



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## Appeal Decision

Inquiry held on 2-4 September 2014

Site visit made on 3 September 2014

**by Paul Dignan MSc PhD**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 October 2014**

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### **Appeal Ref: APP/Y3940/A/14/2213225**

#### **Land south of Abberd Lane, Calne, Wiltshire.**

- 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 Robert Hitchins Limited against the decision of Wiltshire Council.
  - The application Ref. 13/02833/OUT, dated 5 August 2013, was refused by notice dated 1 November 2013.
  - The development proposed is Residential development of up to 125 dwellings, including infrastructure, ancillary facilities, open space and landscaping, along with the demolition of existing buildings and construction of a new vehicular access off Sandpit Road.
- 

### **Decision**

1. The appeal is allowed and outline planning permission is granted for Residential development of up to 125 dwellings, including infrastructure, ancillary facilities, open space and landscaping, along with the demolition of existing buildings and construction of a new vehicular access off Sandpit Road at Land south of Abberd Lane, Calne, Wiltshire in accordance with the terms of the application, Ref. 13/02833/OUT, dated 5 August 2013, subject to the conditions set out in the Schedule of Conditions attached to this decision.

### **The proposal**

2. The site comprises 6.7 ha of undeveloped agricultural land on the eastern side of Calne. It is outside, but adjoining, the settlement boundary of Calne. There is residential development within the settlement boundary immediately to the west. To the north is a new residential development nearing completion. This development, allowed on appeal<sup>1</sup> in 2010, is outside the settlement boundary.
3. The application was made in outline, with all matters reserved aside from access to the site, which would be from Sandpit Road, which also serves the new estate to the north. A masterplan was submitted with the application which indicates the general form and layout that the appellants envisage for the site.

### **Procedural matters**

4. Amongst the Council's reasons for refusal was that the proposal is premature to the progression of its Local Development Framework and the Wiltshire Core Strategy document for the area, and prejudicial to the Council's plan-led

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<sup>1</sup> Ref. APP/Y3940/A/09/2108716

approach to sustainable development and the phasing of future growth. The Council confirmed at the opening of the inquiry that it no longer objected on this basis.

5. At the Inquiry The appellant submitted a signed and sealed Unilateral Undertaking (UU) dated 4 September 2014, made under section 106 of the Town and Country Planning Act 1990. This overcomes the Council's reason for refusal relating to the provision of affordable housing and the mitigation of impacts on relevant infrastructure. I comment on this UU below.

### **Main Issue**

6. The development plan for the area includes Policy H4 of the North Wiltshire Local Plan 2011, adopted in June 2006 and subsequently saved by direction of the Secretary of State. This policy prevents development outside defined Framework Boundaries save for countryside purposes. For the purposes of Policy H4, the settlement boundary of Calne is the Framework Boundary. The site lies outside this boundary and the development is therefore contrary to Policy H4.
7. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the subsequent Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. Amongst other things, the NPPF aims, within the context of a presumption in favour of sustainable development, to boost significantly the supply of housing. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. If the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered as up date. Subject to a proviso which does not apply here, where relevant policies are not up to date, the NPPF provides that planning permission for development should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
8. Both parties agree that Policy H4 is a relevant policy for the supply of housing. The Council's position is that it can demonstrate a five year supply of deliverable housing sites. However, if that is found not to be the case, it considers that Policy H4 should be considered as out of date, the appeal should be allowed and planning permission granted. The appellant argues that the Council cannot demonstrate a five year housing supply, but it considers that even if it can, planning permission should be granted in view of the strong presumption in favour of sustainable development and what it considers to be the absence of demonstrable harm.
9. Against this background I consider the main issue to be whether or not there are material considerations that outweigh the conflict with development plan policy. Central to this is the question of the five year supply of housing.

### **Reasons**

10. The emerging Wiltshire Core Strategy (CS) is at an advanced stage of preparation. The examining Inspector proposes to hold a final 1 day hearing session into two outstanding issues before concluding on the content of the CS

with regard to the tests for soundness. The outstanding issues concern justification for the Council's Housing Land Supply Statement (July 2014 version) and whether some 900 houses permitted in Wiltshire, but on the edge of Swindon, should be included in the housing supply requirement for Wiltshire. These are matters which bear on the question of housing land supply for the purposes of this appeal, but which are unresolved. Recent housing completions and the likely contributions to housing land supply from various large sites are also in dispute.

11. The NPPF requires local planning authorities to use their evidence base to ensure that their Local Plan, the emerging CS in this case, meets the full, objectively assessed needs (OAN) for market and affordable housing in any specific Housing Market Area (HMA), as far as is consistent with other NPPF policies. In December 2013 the CS examining Inspector wrote<sup>2</sup> to the Council to indicate that his interpretation of the available evidence was that the objectively assessed housing need across the three HMA's within Wiltshire would be in the region of 44,000 homes over the plan period (2006-2026). Acknowledging that this might be undeliverable, he suggested that the CS housing requirement figure be expressed as a minimum figure towards the upper end of the range 35,800-42,100. In response the Council proposed an overall requirement for the plan period of 42,000, which the Inspector considered to be reasonable. Disaggregated to the HMA level, this equates to a requirement of 24,740 for the appeal site HMA, North and West Wiltshire (NWWHMA), set out in Policy C2 of the emerging CS.
12. On the publication of the PPG, the examining Inspector asked the Council to consider its implications for the emerging CS. In respect of housing requirements, the Council's view was that the PPG methodology for calculating OAN supported its earlier approach of using the DCLG 2011-based Interim Household Projections, which suggested a starting point of 39,400 dwellings. It committed, nonetheless, to the 42,000 requirement figure.
13. Turning to the 900 houses with planning permission on the west side of Swindon. The housing sites fall within the Wiltshire Council administrative area, but the Council has agreed with Swindon Borough Council that they should be counted as contributing to Swindon's five year housing land supply. This does not prevent them from being included in the Wiltshire OAN so long as it is clear that that is for accounting purposes only. To an extent that is what has occurred here. In the submission draft the CS accounted separately for housing requirements in the three identified HMAs along with an 'allowance' for the west of Swindon. That added up to 37,000, a figure which the examining Inspector considered to be too low. The 'allowance' in the 37,000 was 200 houses, but by the time the proposed OAN of 44,000 was disaggregated to the three HMAs, this had risen to 900. Clearly the examining Inspector would have been aware of the 200 'allowance' for the West of Swindon. What I cannot be certain about is whether he had the full 900 in mind when he concluded on an OAN of 44,000 across the three HMAs. However, the examining Inspector seemed content with the methodology<sup>3</sup> for allocating the increased housing requirement to 42,000, which explicitly excluded the 900 houses from disaggregation to the Wiltshire HMAs. On this basis I am prepared to accept,

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<sup>2</sup> Letter of 2 December 2013

<sup>3</sup> Methodology for disaggregation of increased housing requirement to community area and housing market area level – Wiltshire Council January 2014

for the purposes of this appeal, that the figures I need to consider can be taken as including the 900 permitted houses.

14. The next matter I need to consider is the OAN. I have referred above to the examining Inspector's most recent assessment of 44,000, and the view of the Council that the subsequent publication of the PPG added weight to its own estimate of 39,400. The appellant submits that the Council's estimate must be 'subjective' rather than 'objective' because it has not been the subject of consultation. However, it is the methodology and its inputs that determine whether or not a figure is arrived at objectively. Having said that, as the PPG makes clear, there is no single approach that will provide a definitive answer, and the processes of consultation and examination enable weight to be attributed to estimates as appropriate. In this case the Council's estimate of 39,400, as a starting point, was among others that were before the examining Inspector when he concluded that the need would be in the region of 44,000 homes over the plan period. In evaluating the alternatives, the degree and extent of scrutiny can be relevant to the attribution of weight. The Inspector's letter of 2 December 2013 explains how he came to his conclusion, looking across various alternatives and considerations. I consider it unlikely that he came to his conclusion largely on the basis of reducing the weight attributable to DCLG's 2011-based Interim Household Projections. Whilst I accept that the examining Inspector has not reached a final conclusion, I consider that the best estimate of OAN at present is 44,000.
15. The Council accepts that the housing requirement in the adopted Local Plan is not up to date. Recent case law<sup>4</sup> has clarified that where there is no Local Plan, which is effectively the case here in respect of housing supply, then the housing requirement for a local planning authority for the purposes of paragraph 47 of the NPPF is the full OAN. The issue of the weight which can be attributed to emerging CS Policy C2, against which the Council considers it can demonstrate a five year housing land supply, does not arise. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites to meet the full OAN, even looking solely at the NWWHMA. In these circumstances paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as a whole.
16. The NPPF promotes sustainable development, which has economic, social and environmental dimensions. The Council accepts that Calne is a sustainable location for further housing development, that the appeal site itself is sustainably located in terms of access to services and facilities, and that no site specific harm would arise from the proposed development. The loss of countryside would cause some environmental harm, although it is likely that some greenfield land would be required in any case to meet the full OAN, and the Council has expressed reservations about the impact of unplanned growth on its overall spatial strategy, which seeks to focus growth on Chippenham. These are matters that weigh against the proposed development, but the economic, social and environmental dimensions of sustainable development are not to be taken in isolation. When assessed against the policies in the NPPF taken as a whole, factors such as additional affordable housing, and economic benefits, both in the construction phase and in the local economy in the longer

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<sup>4</sup> Gallagher Estates Ltd v Solihull MBC [2014] EWHC 1283 (Admin)

term, must also be weighed in the overall balance. When they are, I am satisfied that the proposal amounts to sustainable development. The adverse impacts would not significantly or demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole, and I conclude accordingly that the appeal should succeed.

### *The Unilateral Undertaking*

17. I have considered the submitted Unilateral Undertaking (UU) in the light of the NPPF and the statutory tests introduced by Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, 2010. The Council has provided a Statement of Compliance setting out the justification for the detailed obligations, along with a breakdown of the calculations where relevant. It has liaised with the appellant in the drafting of the UU. The UU makes provision for a minimum of 30% affordable housing, which is in line with LP Policies C2 and H5, on-site open space, off site highways improvements, a travel plan, and financial contributions towards local cemetery provision, the continued maintenance of the on-site open space, off-site transport and highways improvements, off-site sports provision, primary school infrastructure and travel plan monitoring, all legitimately required by LP Policies C2, CF1, CF2, and CF3. I am satisfied that these are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

### *Conditions*

18. In addition to standard conditions regarding the submission of further details and the commencement of development, I shall limit the scale of development and require compliance with relevant application plans, in the interests of good planning. A Flood Risk Assessment and Drainage Strategy was submitted with the application and I shall require the development to accord with this to minimise the impact on the fluvial floodplain and the flood risk to the site and surrounding area. The proposal will result in the loss of existing habitats, and this should be mitigated in the interests of conservation. Timely provision of highway works is necessary in the interests of highway safety and sustainable travel, while details of landscaping and tree protection are necessary to protect local character and amenity. Details of external materials and children's play areas should also be detailed in the interests of amenity and local character. Details of waste management are required in the interests of sustainability and local amenity. Where necessary, for clarity or to avoid duplication, I have modified the suggested wording.

### **Conclusion**

19. Having considered all other matters raised, I conclude that the appeal should be allowed.

*Paul Dignan*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards	Of Counsel, instructed by Legal Services, Wiltshire Council
He called	
Mark Henderson	Senior Planning Officer, Monitoring and Evidence Team, Wiltshire Council
BSc(Hons) MA MRTPI	
Carolyn Gibson BA (Hons)	Team Leader Spatial Plans, Wiltshire Council

### FOR THE APPELLANT:

Anthony Crean QC	Instructed by Pegasus Group
He called	
Mervyn Dobson MA	Pegasus Group
MPhil MRTPI MRICS	

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Signed Statement of Common Ground: Housing Land Supply.
- 2 High Court Judgements [2014] EWHC 570 (Admin) and [2014] EWHC 2636 (Admin) submitted by the appellant.
- 3 Appeal decision APP/D0840/A/13/2209757, submitted by the appellant.
- 4 Housing Land Supply Statement April 2014, Wiltshire Council.
- 5 Opening statement, appellant.
- 6 Opening statement, Wiltshire Council.
- 7 High Court Judgement [2013] EWHC 3719 (Admin) submitted by the Council.
- 8 Cross examination note, submitted by Mr Crean.
- 9 Completed s106 unilateral undertaking, submitted by the appellant.
- 10 List of conditions.
- 11 Council's closing submissions
- 12 Appellant's closing submissions.
- 13 Statement of Compliance of UU, submitted by the Council.

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale of any development within each phase of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before that part of the development begins. The development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No more than 125 dwellings shall be constructed on the site pursuant to this planning permission.
- 5) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
  - Site Location Plan- CMP-22 Rev A
  - Layout Plan showing Proposed Access- H446/3 Rev A
- 6) No work to construct any building shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (FRA) dated 17 July 2013 by Phoenix Design Partnership Limited. The mitigation measures for each catchment area shall be fully implemented prior to the occupation of the first dwelling within that catchment.
- 8) There shall be no development, ground raising or other alteration on land with an existing ground level of 71.88m AOD or below except for the drainage works detailed on the Drainage Strategy Plan ref. 330-002. Prior to the commencement of any such drainage works further details of those works including a programme for implementation shall be submitted to and approved in writing by the local planning authority. This land shall otherwise remain undeveloped and shall form unobstructed public open space.
- 9) No development shall take place until a surface water run-off limitation scheme, broadly according with the submitted 'Flood Risk Assessment and Drainage Strategy' by Phoenix Design Partnership Ltd dated July 2013 including Drainage Connection Plan MBA.C2.DCP.01, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of ownership of land and maintenance provision of all on-site and off-site drainage works serving the site. Development shall be carried out in accordance with the approved scheme and maintained thereafter in accordance with the approved programme and details.
- 10) Prior to or alongside the submission of the first application for approval of reserved matters an Ecological Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of surveys carried out not more than 12 months prior to submission of the plan. If these surveys reveal the presence of protected

species, no development shall take place until details of mitigation measures to ensure the preservation of the protected species' populations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the Ecological Management Plan and the approved mitigation measures.

- 11) No development shall commence on site until details of a pedestrian/cycle link through the site linking Abberd Lane with the development site have been submitted to and approved in writing by the local planning authority. No more than 50 dwellings shall be occupied until the access link has been completed in accordance with approved details and has been brought into use.
- 12) No dwellings hereby permitted shall be occupied until the improvements to the junction of Abberd Lane with Sandpit Road (Drawing No. H446/3 Rev A), including street lighting and footways, have been completed. A detailed scheme for the improvement works shall be submitted to and approved in writing by the local planning authority before the works commence.
- 13) Reserved matters applications submitted pursuant to condition 1 shall include details of the location, size/extent, and specification of children's play areas.
- 14) No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.
- 15) Landscaping reserved matters details submitted pursuant to condition 1 shall include:
  - location and current canopy spread of all existing trees and hedgerows on the land;
  - full details of any to be retained;
  - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - finished levels and contours;
  - means of enclosure;
  - vehicle and pedestrian access and circulation areas;
  - all hard and soft surfacing materials;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).
- 16) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing



with the local planning authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

- 17) No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
  - A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
  - A schedule of tree works conforming to British Standard 3998: 2010;
  - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
  - Plans and particulars showing the siting of the service and piping infrastructure;
  - A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
  - Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the local planning authority of the findings of the supervisory visits; and
  - Details of all other activities, which have implications for trees on or adjacent to the site.
  - In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried out, no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the local planning authority, to discuss details of the proposed work and working procedures.

- Subsequently and until the completion of all site works, site visits should be carried out on a quarterly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the local planning authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.
- 18) a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

- 19) No development shall commence on site until a Waste Minimisation and Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Waste Management Plan.