



Appeal Decision

Site visit made on 10 June 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/Y3940/W/25/3361383

Land at Willowfield House, Foxley Road, Malmesbury, Wiltshire SN16 0JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs K Maslin against the decision of Wiltshire Council.
 - The application Ref is PL/2024/09266.
 - The development proposed is Erection of self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. It is undisputed that the site would accord with matters of 'amount of development proposed.' As such, I shall focus on matters of location and land use alone and have determined the appeal accordingly.
4. The National Planning Policy Framework (the Framework) was updated in February 2025. The Council has subsequently confirmed that the effect of the revised Framework means that the Council can now only demonstrate 2.03 years supply of housing as opposed to 3.85 years when the application was determined.
5. The Council has submitted the Wiltshire Local Plan for Examination. In the absence of details of the extent of any unresolved objections or conclusions regarding the degree of consistency with the National Planning Policy Framework (the Framework), I afford limited weight to the policies of the emerging local plan.
6. The Council's delegated officer report in evidence before me, refers to the Cotswolds National Landscape Management Plan. A new Cotswolds National Landscape Management Plan 2025-2030 was adopted by the Cotswolds National Landscape Board on 25 February 2025. As such, Policy CE12.7 referred to in the officer report is now numbered CE15.6. I have referred to the updated paragraph number in this decision.

7. A site layout plan has been submitted as part of the proposal. This is an indicative plan only and shows only one way that the scheme could be developed. I have therefore attributed limited weight to this plan in my consideration of the appeal.

Main Issues

8. The main issues are whether the site is suitable for the proposed development, having regard to:
 - relevant policies for the location of housing and its accessibility to services and facilities; and
 - location within the Cotswolds National Landscape.

Reasons

Location and Access to services and facilities

9. Core Policy 1 (CP) of the Wiltshire Core Strategy (January 2015) (WCS) establishes the Council's approach to the distribution of housing across the area. It seeks to focus housing within its principal settlements of Chippenham, Trowbridge and Salisbury followed by its market towns, which include Malmesbury.
10. The appeal site is beyond the settlement boundary of Malmesbury. The site sits amongst a cluster of approximately 4 dwellings on Foxley Road. For the purposes of planning policy, the appeal site is in the countryside.
11. CP2 of the WCS sets out the delivery strategy for the Council. It provides a distribution strategy for new homes that seeks to provide for the most sustainable pattern of development, reduce the need to travel and redress the imbalance between jobs and homes. In particular, it states that development will not be permitted outside settlement boundaries, unless permitted by other policies within the WCS as set out at paragraph 4.25. However, it has not been suggested that any of these exceptions would apply in this case.
12. CP60 and CP61 of the WCS identify that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives. The policies go further to identify that this can be achieved by concentrating development where communities can access their needs easily and without always using a car.
13. The Malmesbury Neighbourhood Plan 2015 (MNP) allocates land for housing development. Whilst there are no specific policies that restrict residential development in other areas, the allocated sites were considered sufficient to meet Malmesbury's housing need for the plan period.
14. The site is both functionally and visually separate from the edge of Malmesbury. Foxley Road has no footways and, for most of its length, is unlit. Whilst the appellant asserts that the site is within 330m of the defined limits of development of the town, this would be to the nearest larger scale housing development located between Foxley Road and Common Road.
15. The National Design Guide advises that to be within a walkable distance, local facilities should be within a 10-minute walk, or an 800m radius. The site is more

than double this distance from the facilities and services that are available in the town centre. Distance alone would be a significant deterrent for future occupiers to walk into the town. Furthermore, walking on the unlit road with traffic travelling at speeds of at least 30mph, would not be an attractive alternative to using a car especially at night or in inclement weather. Neither would cycling be a practicable alternative for many journeys. It is therefore highly likely that any future occupiers would primarily be reliant on the use of a private vehicle for most of their journeys. No evidence has been provided to satisfy me that this would not be the case.

16. For the above reasons, the appeal site would not be a suitable location for a residential development due to its location beyond the settlement boundary of Malmesbury and with respect to access to services and facilities with the requirement to reduce reliance on the car for future residents. Accordingly, I find conflict with CP1, CP2, CP60 and CP61 of the WCS in relation to the location of the proposed development. These policies, amongst other things, seek development to be within existing settlements where it can reduce the need to travel and where communities can access their needs easily and without always using a car.

The Cotswolds National Landscape

17. The appeal site is located within the residential curtilage of Willowfield House. The site is largely screened from Foxley Road by existing boundary hedging. The site primarily comprises mown lawn, trees, and accommodates an existing single storey domestic outbuilding. Neighbouring residential properties are located on either side of the appeal site at a distance within a small cluster, with open farmland to the rear and opposite. Whilst the rear boundary is screened by existing hedging, the site would be visible from adjacent farmland. Foxley Road retains a strong rural character. It lies within and on the edge of the Cotswold National Landscape (CNL), an area designated for its landscape and scenic beauty. The existing dwelling and its large plot, makes a positive contribution to the CNL.
18. The site is within the Upper Avon Valley Landscape Character Area which the North Wiltshire Landscape Character Assessment identifies as having a distinctly rural, tranquil, and unspoilt character. The Cotswolds Landscape Character Assessment identifies the site as being within the Cornbrash Lowlands Character Area. Key features of the Cornbrash Lowlands include a dispersed settlement pattern of mainly nucleated villages and quiet rural lanes bordered by tall hedgerows, narrow grass verges and drainage ditches. These key features are reflected in the appeal site's location.
19. With regards to the appeal site's location in the CNL, I have given great weight to the duty imposed by Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of National Landscapes. The Framework advises that great weight should be given to conserving and enhancing this area as it has the highest status of protection in relation to landscape and scenic beauty.
20. Following my site visit and based on the evidence before me, the additional dwelling would harmfully intensify development on site, through further built form, hard surfacing, lighting, and residential activity within this sensitive landscape

setting. This would consolidate the scattered nature of development in the vicinity and create a suburban street, failing to enhance the existing rural character of Foxley Road.

21. The proposal would encroach residential development into the countryside beyond the built-up limits of Malmesbury. This would have a significant harmful impact on the distinctive rural and dispersed settlement pattern of the CNL.
22. For the above reasons, the proposed development has failed to demonstrate that it would conserve and enhance the CNL. The proposal would therefore be an unsuitable location for a residential development. Accordingly, I find conflict with CP51 and CP57 of the WCS in relation to the location of the proposed development and the conservation and enhancement of the landscape character of the CNL. These policies, amongst other things, seek development that does not have a harmful impact on landscape character and protects, conserves and, where possible, enhances the character of the landscape and local distinctiveness.

Other Matters

23. The appellant has drawn my attention to 8 planning permissions and appeal decisions where development has been allowed outside of settlement boundaries both within and outside of Wiltshire. However, these decisions included residential proposals of a different scale than is currently sought, were in locations closer to a settlement boundary and pertinently, none of the sites are located within a National Landscape. Whilst these decisions have been informative with respect to approach, the sites referred to me are read in a different context to the appeal site. Consequently, none are directly comparable with this appeal, which I have determined on its individual planning merits having regard to the site's specific characteristics.
24. The appellant asserts that CP45 of the WCS is also relevant. CP45 aims to address the housing needs of Wiltshire's local communities in terms of type, mix and size across the district. Be that as it may, whilst I acknowledge that the proposal would provide a new dwelling that would meet the appellant's future housing requirements, and may therefore assist in meeting Wiltshire's needs, this makes no difference to my overall conclusion.
25. The proposal is described as a self-build project. The Self-Build and Custom Housebuilding Act 2015 (the Act) requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. Section 2A, of the Act, requires a local authority to grant sufficient self-build permissions to be in keeping with local need as set out on the self-build or custom housing (SBCH) register.
26. Paragraph 73(b), of the Framework, supports small sites to come forward for self-build and custom-build housing. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.
27. The appellant has asserted that there is a shortfall of available plots for self-build and custom house building and the Council has not contested this. Therefore, based on the submitted evidence, I conclude that the Council is failing to meet its

statutory duty with respect to the delivery of plots for SBCH dwellings and this weighs in favour of the proposal.

28. The PPG is clear that at the PIP stage it is not possible to secure a planning obligation or to impose conditions. Nonetheless, the Council could adequately secure this type of housing and its first occupation at the TDC stage. Furthermore, the PPG advises that the technical details consent must be in accordance with the relevant PIP. As such, a subsequent TDC to this PIP would need to demonstrate how it would deliver the SBCH to be approved. This requirement could be secured by a suitable legal mechanism. This would guarantee the site's delivery for the specialist type of housing.
29. While there were no objections from neighbouring occupiers to the scheme and St Paul Malmesbury Without Parish Council supported the proposed development, this is not a reason in itself to allow development which I have found to be harmful.

Planning Balance and Conclusion

30. The Council accepts that they can no longer demonstrate a deliverable five-year supply of housing land as required by paragraph 78 of the Framework. The Council have advised that they can only demonstrate a housing land supply position of 2.03 years. This is significantly below Government expectations, and it is therefore evident that there is a pressing need for housing when considering this shortfall.
31. Socially, the dwelling would make a minor but useful contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and any potential Council tax that future occupiers might pay. However, even taking account of the current housing land supply position, the benefits of housing delivery are tempered by the fact that the provision of one unit would only make a small difference to housing supply.
32. The proposal would deliver one, self-build dwelling that would assist the Council in its delivery of SBCH sites and help address its existing shortfall. However, the benefit of the delivery of SBCH is lessened as the proposal would only provide one dwelling. Consequently, this is attributed moderate weight in the planning balance.
33. Additional landscaping would also provide biodiversity enhancements and the appellant asserts that a 10% biodiversity net gain can be achieved on site. Whilst there is limited evidence before me to enable me to quantify the extent of this benefit, as these issues would be addressed at TDC stage, I give them moderate weight.
34. On the other hand, there would be significant harm arising from the site's location in the CNL. In addition, its location, outside the settlement boundary, would leave future residents primarily reliant on private transport to access the services and facilities that they would need.
35. Considering the 5-year housing land supply position, paragraph 11(d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance

provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists National Landscapes as one such asset of importance. As I have found harm to the National Landscape, this weighs against the proposal.

36. Overall, the benefits of the proposal attract moderate weight. However, considering the significant harm I have identified to the CNL, which provides a strong reason for refusing the development, there is no requirement to apply the test in paragraph 11d) ii) of the Framework. Consequently, the proposal does not benefit from the presumption in favour of sustainable development and the proposal would conflict with CP1, CP2, CP51, CP57, CP60 and CP61 of the WCS.
37. The overall modest benefits of the proposal would not outweigh these significant collective harms, and the proposal would conflict with the development plan when considered as a whole. There are no other considerations which indicate that the appeal should be determined other than in accordance with the development plan and so the appeal is dismissed.

P Brennan

INSPECTOR