



Appeal Decision

Site visit made on 8 July 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/Y3940/W/25/3361696

Land at Tiddleywink, Yatton Keynell, Wiltshire SN14 7BY

- 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 Milo Mason, Livedin against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10949.
 - The development proposed is the phased development of 3-4 self-build dwellings.
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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. There is no dispute between the main parties with regard to the amount of development, and I have no firm reason to take a different view. I shall therefore focus on the matters of land use and location in my determination of the appeal.

Main Issue

4. The main issue is whether or not the site is suitable for residential land use, having regard to its location and its accordance with the spatial strategy of the development plan.

Reasons

Spatial Strategy

5. The appeal site is located to the south of the B4039 in the hamlet of Tiddleywink. The large village of Yatton Keynell lies to the northwest.
6. Core Policy (CP) 1 and CP10 of the Wiltshire Core Strategy (WCS) outline the hierarchical spatial strategy for accommodating new housing in Wiltshire, with development focused on principal settlements, then market towns, then local

service centres, then large villages, which include Yatton Keynell, and small villages. The premise being that the largest settlements in the hierarchy offer the best access to employment and services, and by focusing development here, it helps to safeguard them and support their self-containment, thus helping to reduce the need to travel.

7. Policy CP2 of the WCS sets out the Council's housing delivery strategy and states that, unless permitted by other policies within the WCS as set out at paragraph 4.25, development will not be permitted outside the limits of development. The site, and indeed Tiddleywink, is classified as a location outside defined limits of development under Policy CP2 and it has not been suggested that any of the paragraph 4.25 exceptions apply in this case.
8. Policies CP60 and CP61 of the WCS identify that new development should be located and designed to reduce the need to travel by private car and encourage the use of sustainable transport alternatives.
9. The appellant contends that although the appeal site lies outside the limits of development, it is within reasonable distance to essential community services in Yatton Keynell, with the appeal site approximately a 5 minutes' walk from Brook Valley Primary School, 6 minutes' walk from the medical centre and 10 minutes' walk from the shop, post office, café and pub. Furthermore, that since the dismissal of a previous appeal at the site (appeal reference APP/Y3940/W/18/3195486) the footway from Yatton Keynell has been extended as part of the Drovers Green development, bringing the footway closer to the appeal site.
10. The appellant also highlights that funds have been secured for a speed limit reduction and footway improvements between Tiddleywink and Yatton Keynell. From the evidence before me, however, neither the feasibility, nor cost effectiveness of any improvement scheme have currently been demonstrated. As I have no guarantee that the improvements would be forthcoming, I cannot rely on this at present.
11. Based on the above, the evidence before me, and my observations at the site, whilst Yatton Keynell would be within walking distance, part of the route would remain along an unlit and busy, 30 and 40mph limit road which lacks foot or cycleways, with sections with only narrow and uneven highway verges.
12. That highway improvements are being considered, is testament that it would not be a desirable route to take on foot or by bicycle, especially by more vulnerable members of the community such as the elderly and children or during hours of darkness.
13. With regards to public transport services, there is a request bus stop reasonably close to the site. Based on the Council's account, the current bus service runs five times on weekdays, four times on a Saturday with no service on Sundays. I note that the previous appeal (referenced above), found that the bus service was not so frequent to be convenient, and it remains limited. Accordingly, it would not be sufficient to rely on as a genuine alternative to the private car, particularly for ad hoc trips and those associated with appointments. Furthermore, I am concerned that users would be less inclined to use the service as they would have to wait on the verge on the edge of the highway as opposed to a segregated pavement.
14. In the absence of a safe walking and cycling connection and a suitable bus service

as outlined above, whilst I recognise that opportunities to maximise sustainable transport solutions vary between urban and rural areas, I am not persuaded that services, including those in Yatton Keynell, would be adequately accessible by transport modes other than by motor vehicle.

15. Taking the above into account, and given that there is no guarantee that low or zero emission vehicles would be used by future occupiers, I conclude that the appeal site would not be a suitable location for residential land use and would conflict with the spatial strategy of the development plan, specifically WCS policies CP1, CP2 and CP10. I have no firm reason to find that there would be unacceptable impacts on highway safety or the road network, but the proposal would be contrary to the National Planning Policy Framework (the Framework) insofar as it seeks to minimise the number and length of journeys required by households and to offer a genuine choice of transport modes.

Other Matters

16. The main parties agree that there is an unmet need for self-build and custom house building (SBCH) plots, and the Council does not dispute that it is failing to meet its statutory duty under The Self-Build and Custom Housebuilding 2015 Act (as amended) in relation to provision of SBCH.
17. The PPG is clear that at the PIP stage it is not possible to secure a planning obligation or to impose conditions. Nonetheless, the PPG advises that the TDC 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, and the Council has provided no compelling evidence to explain why SBCH could not adequately be secured at the TDC stage. This would ensure the contribution to the supply of SBCH. This weighs in favour of the proposal.
18. My attention has been drawn to an appeal decision allowing up to 145 homes on the edge of the market town of Westbury, appeal reference APP/Y3940/W/24/3345598. However, that was a much larger scheme and the decision in that case recorded that there was a realistic means of accessing services and facilities using sustainable travel modes. Accordingly, the circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Planning Balance

19. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and that it has a substantial shortfall amounting to 2.03 year's supply. In these circumstances paragraph 11d) of the Framework is engaged and indicates that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
20. Referring to the development plan as a whole, the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal does not meet the provisions of WCS policies CP1, CP2 and CP10 and would be contrary to the sustainable travel

objectives of policies CP60 and CP61 of the WCS and the Framework's aim to prioritise sustainable transport modes. Therefore, as the Framework states that the planning system should be genuinely plan-led, and noting that the site in this case would not benefit from realistic means of accessing services and facilities using sustainable travel modes as was found in the Westbury appeal, I have given the conflict between the proposal and these policies considerable weight in this appeal.

21. I have not been directed to any policies in the current development plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
22. The appellant has suggested that the proposed development encourages innovative, environmentally sustainable building practices that typically result in lower energy consumption and reduced carbon dioxide emissions compared to conventional developments. Given the detailed design is a matter for the consideration at the TDC stage, this environmental benefit has not currently been demonstrated and does not weigh in favour of the proposal.
23. Socially, the proposal would deliver 3-4 new houses which would assist the Council in its delivery of SBCH sites and help address its existing housing shortfall. In economic terms, it would stimulate local economic activity by engaging local contractors and suppliers during its build out, as well as providing longer term support to the local economy when occupied.
24. However, the benefit of the delivery of housing, and the significant benefit of SBCH in particular, is tempered because of its small scale. Consequently, due to the limited scale of the development, I have attributed the combined benefits of the proposal medium weight in the planning balance, as unlike appeal reference APP/Y3940/W/23/3317252 which the appellant refers to, it is not a major housing development.
25. Consequently, the adverse impacts on the district's housing strategy and of increasing travel by motor vehicles would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having regard to key policies directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

26. Although circumstances have changed since the previous appeal on the site, I nevertheless find that the proposal would conflict with the development plan as a whole and there are no other material considerations, including the approach in the Framework in regard to housing supply, that outweigh this conflict. Therefore, the appeal should be dismissed.

SE Hughes

INSPECTOR