



Appeal Decision

Site visit made on 6 August 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/Y3940/W/25/3366871

The Spinney, Tidworth Road, Boscombe, Wiltshire SP4 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Peter & Helen Sheridan against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10624.
 - The development proposed is erection of 1 no. self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PIP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PIP consent route has 2 stages: the first stage (or PIP stage) establishes whether a site is suitable in-principle and the second, 'technical details consent' (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. Other detailed matters are considered as part of a subsequent TDC application if permission in principle is granted. The Council's objections relate to the location, character and appearance and effects on designated heritage assets, effects on sites protected under the River Avon Special Area of Conservation, noise effects and flood risks. The appellant has submitted material to address some of these issues which I have taken into account in reaching my decision.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location and accessibility

5. The appeal site is formed from a small, wooded area to the north of the A338, closely related to the hamlet of Boscombe. The closest existing building to the site is the Boscombe Working Men's Club (the Social Club).
6. The development plan for the area includes the Wiltshire Core Strategy, which was adopted in 2015 (Core Strategy). Policy 1 of the Core Strategy sets out the

settlement strategy and directs proportionate development to within the defined settlement boundaries in line with a settlement hierarchy. The hierarchy order lists principal settlements first; then market towns; local service centres; and then large and small villages in that order. However, small villages do not have a settlement boundary and any development within them will be carefully managed by policy 2.

7. Policy 2 sets out that within the defined small villages, development will be limited to infill within the existing built area where such development would meet housing needs or provide employment, services and facilities, provided that it respects the existing character and form of the settlement, does not elongate the village or impose development in a sensitive landscape, and does not consolidate an existing sporadic loose knit areas of development related to the settlement.
8. Policy 4 relates to the Amesbury Community Area within which Boscombe is situated. Boscombe is excluded from the list of any defined settlement types within the hierarchy, and therefore, the appeal site is in the countryside in policy terms.
9. Policies 60 and 61 of the Core Strategy seek to reduce the need for people to travel, particularly by private car, and support and encourage the sustainable, safe and efficient movement of people, through means such as planning developments in accessible locations and through encouraging the use of sustainable transport alternatives.
10. As a settlement outside of the defined hierarchy with very few everyday facilities to serve its occupants, Boscombe is not a location where new development is supportable under the aforementioned development plan policies. Notwithstanding the relatively accessible bus stops offering limited services to Salisbury and Tidworth, residents are highly dependent on a vehicle to access facilities and services other than the public house and village hall within the hamlet. An unlit footway to the nearest other settlement of Allington would not offer any materially greater access to local facilities.
11. In terms of its position in respect of the hamlet, a development on the site would appear to extend the built form into a countryside gap along the northern side of the A338. It could not be regarded as infill of the form supportable in small villages under Core Strategy policy 2. Thus, the location, accessibility and nature of the scheme conflicts with policies 1, 2, 4, 60 and 61 of the Core Strategy. For similar reasons, the proposal would also conflict with the sustainable development principles and plan-led approach endorsed by the National Planning Policy Framework (2024) (the Framework).

Amount of development

12. The proposal is for a minimum and maximum of one dwelling. The submitted revised indicative site plan¹ shows a scheme concentrated to a small area of the site with direct access off the A338 in order to avoid the parts of the site at greater risk of flooding. The indicatively positioned dwelling would have a close relationship to the adjacent Social Club building and all of the other hard surfaced and built components would be located within a wooded area. To facilitate the scheme, a number of trees would need to be removed from the roadside boundary and from within the interior of the site.

¹ Ref 51462-XX-P1-02 (V2)

13. In my view, one dwelling would be the maximum number of dwellings achievable on site. However, I have reservations about whether even one dwelling could be accommodated in light of the exaggerated openness of the site and limited space for mitigation tree planting, along with the contrived form of development that would likely result through designing to avoid the flood zone and other constraints. Though the information before me is not sufficient to conclude against the scheme, these are matters to which consideration ought to be given at TDC stage.

Other Considerations

14. The appeal site lies in close proximity to a number of designated heritage assets. The Boscombe Conservation Area (the CA) extends to around the length of the site frontage along the A338 and also adjoins a small section of the south-western boundary. The Grade II listed Granary² lies within around 50 metres to the south-west of the site, and the Grade II* Old Rectory is situated to the west, north-west. My duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), are engaged at the PIP stage.
15. In terms of the CA, its significance is primarily derived from its understated charm as a small scale rural hamlet with medieval origins within a high quality landscape setting. The Grade I listed St Andrew's Church forms is the foremost building in the settlement, with the range of vernacular cottages, granary buildings, former rectory and cob wall enclosures surrounding it all combining to form a coherent historic core. A number of the other buildings within the historic core are also individually designated for their historical and architectural value.
16. In respect of the Granary, it is a good example of a C18 timber framed functional building which has retained a prominent position in the settlement and which contributes to the understanding of the rural, agrarian nature of the original settlement. Despite some cladding works to help preserve the structure, it is largely unaltered and its significance largely derives from its historical and architectural value, along with any original built fabric and features. The existence of the modern Social Club building and A338 within the immediate setting of the Granary has eroded some of the contribution made to its significance by its setting.
17. The significance of the Old Rectory³ largely derives from its historic, architectural and aesthetic value, as well as its associative connections with St Andrew's Church as the key listed building within the settlement's historic core. It has C15 origins with later alterations and is notable for its scale, much-retained historic fabric and its walled gardens. The gardens, adjoining settlement and surrounding agricultural land contribute greatly to the significance of this building. More modern buildings on the fringes of the agricultural land have little effect on this setting.
18. The effects of the proposal on the Old Rectory and its walled gardens would be relatively limited. Due to the site's position, distance from the Old Rectory and its enclosed, wooded nature, views from the Old Rectory and its immediate surroundings would be contained. Glimpses of increased urbanisation would be noticeable through the woodland, more likely in winter than in summer, but to a limited degree.

² Granary East of Rosecott, Statutory list entry number: 1023978

³ Statutory list entry number: 1183731

19. The dwelling would be sited in close proximity of the Social Club and there would be limited room for meaningful screening on the intervening boundary given the constrained site size. The consolidation of further modern buildings in this location would be obvious from within the CA and from the setting of the Granary. Contrary to the originally proposed scheme, there would also be greater harm to the CA through the introduction of an additional domestic access, necessitating some tree removals, including from the roadside. Whilst the smaller specimens may have been selected for removal, this tree belt provides a strong feature on the northern side of the A338 and marks a transition point out of the CA between the core historic settlement and a countryside gap. An additional domestic access would undermine the strength of this feature.
20. As such, even without the detail that would be forthcoming at TDC stage, I envisage that there would be harm to the settings, and thus significance, of the CA, the Rectory and the Granary through the construction of a dwelling, garage and creation of an access on the closely related positions on the indicative plans. Avoiding such harm through design at the TDC stage would be unlikely given the developable extent of the appeal site. These harms raise conflict with policy 58 of the Core Strategy.
21. Drawing from the terms of the Framework, my overall heritage conclusions are that the scheme would result in less than substantial harms to the significance of the three aforementioned designated heritage assets. In respect of the Old Rectory, the harm would be at the lower end of the spectrum of harm, but in respect of the Granary and the CA, given the inevitable intervisibility of consolidated modern built form when taken in combination with the Social Club, the removal of trees and creation of a new domestic access, the harm would be closer to a medium level of less than substantial harm. I return to this below.
22. The appeal site is partly within Flood Zone 2 and the originally submitted indicative plan showed the site as taking access from the existing agricultural access which is partly within the higher flood risk zone. The submitted revised indicative plan shows an alternative point of access and the closer grouping of built elements which adjoin, but do not stray beyond the extent of Flood Zone 1. On the basis of the submitted plan, it appears theoretically achievable to restrict the development to Flood Zone 1 to avoid placing future occupiers at risk of flooding. However, as detailed above, in so doing, the scheme may not take adequate account of site constraints, the living conditions of future occupiers or assimilate sufficiently into the character and appearance of the area. It is only on the basis that the developable site extent and access would be limited to areas within Flood Zone 1 that avoids the need to apply the sequential approach. Should this not be possible at TDC stage, any PIP consent could not be relied upon in any event.
23. In terms of noise effects, the proposal would have a close relationship with the adjoining Social Club and the A338. The Council has raised concerns about the potential for noise impacts from the A338 and from noise that could affect the operation of the Social Club. In this scenario, the proposed dwelling could represent an 'agent of change' under the terms of the Framework, which seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. In my view, this issue could be considered at the TDC stage.

24. The Self-Build and Custom Housebuilding Act 2015⁴ places a duty on councils to maintain a local register of people and groups who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects, and to place a duty on certain public authorities to have regard to those registers in carrying out planning and other functions. The appellant's evidence suggests that the Council is failing in its duty to provide sufficient plots to meet the demands, though I have doubts about the reliability of the alleged extent of the shortfall. In any event, it does not appear to be disputed that there is a need for plots for those wishing to build or customise their own home.
25. Notwithstanding that the description of development includes the term 'self-build' and that any future TDC application would carry over the same description, this is unlikely to be sufficient to ensure that the dwelling were constructed specifically by a self or custom builder. The Planning Practice Guidance indicates that it is not possible to impose conditions on a PIP and conditions requiring occupation of any dwelling by the person that built it for a specified period would be unlikely to pass the tests under paragraph 57 of the Framework.
26. As such, a planning obligation is likely to be the most appropriate means of ensuring that the development is truly a self-build scheme as opposed to a form of market housing. As planning obligations cannot be secured at the permission in principle stage, there would be reliance upon the submission of a planning obligation at the TDC stage to secure this type of housing. I return to this below.
27. The Council cannot currently demonstrate a five year supply of housing land with appropriate buffer as required by the Framework. The parties evidence suggests that the position is either 2.42 years or 2.03 years' worth. In either scenario, this is below the 5 year requirement and the figures are sufficiently close for this not to be a determinative factor. As such, I have treated the provisions of Framework paragraph 11 d) as being engaged for the purposes of this appeal.
28. My attention has been drawn to a number of other decisions and appeal cases where the principle of development has been found acceptable or where particular issues were addressed in a certain way⁵. There are material differences between the appeal scheme and each of those cases, ranging from the type of application, the scale and location of the development and other site-specific factors. I have noted any particularly relevant points but none are so similar to the current case that they dictate the overall decision.

River Avon Special Area of Conservation

29. The appeal site lies within the catchment area of the River Avon Special Area of Conservation (SAC) which is designated under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations) for its pristine chalk river system that supports a diverse variety of species, including plants, fish, and snails. Development within the River Avon catchment that increases overnight stays, material increases in the number of people in the catchment for commercial attractions and intensifications of agricultural development could harm the integrity of the SAC due to its vulnerability to the effects of pollutants which may enter the river, particularly phosphates. As the proposal includes permanent residential

⁴ As amended by the Housing and Planning Act 2016

⁵ Including planning reference PL/2024/10624, appeal decisions APP/Y3940/W/24/3345598, APP/Y3940/W/22/3302367, APP/X1925/W/24/3342621, APP/H0520/W/24/3338509 and APP/Y3940/W/23/3317252

accommodation, significant effects on the integrity of the SAC are likely and cannot be screened out. An Appropriate Assessment under the Habitats Regulations is therefore necessary.

30. The proposal has been submitted with a *Nutrient Neutrality Assessment and Mitigation Strategy*⁶ (NNAMS) which details the nutrient increases that would arise from both the changes in land use and from the drainage outputs of the proposal. Factors such as soil drainage type, rainfall amount and wastewater loadings are used to derive the calculation outputs. The NNAMS records a total annual phosphorus load to mitigate of 0.39 kg TP/yr and thus indicates that offsite mitigation measures will be necessary to achieve full nutrient neutrality. That the development would affect the integrity of the SAC without mitigation is therefore a key conclusion of the NNAMS.
31. The appellant's evidence discusses the ability to secure off-site nutrient mitigation through either other land in the ownership of the developer, through an agreement with an accredited third-party mitigation provider or through a Council-run strategic mitigation scheme. In this particular case, it is suggested that the appellant will seek to acquire offsetting credits through the Council's mitigation scheme through a condition which prevents occupation until mitigation has been secured.
32. To be able to take mitigation into account, it needs to be capable of being robustly secured. A condition cannot be secured at the PIP stage, and leaving this to TDC stage does not provide the necessary certainty *now* that adverse effects on integrity would be avoided. Whilst it is not possible to secure an obligation strictly as part of a PIP, there is no reason why an obligation could not have been entered into, linking to the delivery of the mitigation to the TDC stage. This would have robustly secured the mitigation to enable this Appropriate Assessment to conclude no adverse effects on the integrity of the SAC.
33. Absent of the necessary mitigation now, adverse effects on the integrity of the SAC cannot be ruled out. As such, the development conflicts with policies 50 and 69 of the Core Strategy.

Planning Balance and Conclusion

34. As the provisions of Framework paragraph 11 d) are engaged in this case, policies governing the delivery of housing, including Core Strategy policies 1, 2 and 4 attract reduced weight. However, the Framework's objectives to promote sustainable development in rural areas by locating housing where it will maintain the vitality of rural communities and maximise sustainable transport solutions would not be achieved through locating development at the appeal site. Even taking account of the differences between sustainable transport solutions in rural compared to urban areas, the appeal site's location would result in future occupiers being highly dependent on private vehicles. As such, weight is still attached to the conflict with Core Strategy policies 60 and 61.
35. There would be differing levels of harm to the significance of three designated heritage assets. The Framework requires the public benefits to be weighed against less than substantial harms. The benefits of the scheme would result from the delivery of a single dwelling in the context of a sizeable housing shortfall. The addition of a dwelling would make a minor but valuable contribution and attracts

⁶ Reference: 2500228-ENV-S1-SW-TR-E-0001, Enviren, dated 16/05/2025

modest weight in the planning balance. Notwithstanding the appellants' intentions to build the dwelling and release their own existing home back into the available housing stock, I attach limited weight to the self-build nature of the scheme as this relies on an obligation being secured at a future stage. The economic boost generated by the construction phase and long-term occupation of the dwelling also attract limited weight. Taking the aforementioned public benefits together, I am of the view that they outweigh the heritage harms, albeit marginally so. Nonetheless, a degree of conflict with the development plan still arises from these harms.

36. However, footnote 7 of the Framework outlines the assets or areas that are afforded protection by specific policies that can disengage the provisions of paragraph 11 d). Habitats sites, such as the SAC fall into one such protected area. Consequently, as I have found harm to the integrity of the SAC, the provisions of paragraph 11 d) are disengaged and this aspect forms a strong reason for refusing the proposed development.
37. In the absence of any other material considerations that outweigh the conflict with the development plan when taken as a whole, the decision should be made in accordance therewith.
38. For the foregoing reasons, the appeal is dismissed.

H Nicholls

INSPECTOR