
Appeal Decision

Site visit made on 2 September 2025

by **Mark Harrison BA(Hons) DipTP LLM MIO L MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 November 2025

Appeal Ref: APP/U3935/W/25/3368149

Land at Moorleaze Farm, Wanborough, Swindon SN4 0SW

- 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 Rob Lloyd against the decision of Swindon Borough Council.
 - The application Ref is S/PIP/25/0218/LZWI.
 - The development proposed is erection of up to 9 no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in principle, and the second stage (technical details consent) (TDC) is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these two stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development¹. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.
4. I note from the Council's Officer Report and from the appellant's Appeal Statement of Case that there is ongoing enforcement action in relation to the lawful use of the appeal site and that a separate Certificate of Lawfulness application has been made. Notwithstanding the outcome of that application, there appears to be no dispute that the site is previously developed land and I have therefore determined the appeal on this basis.

Main Issue

5. The Council has not raised concerns in respect of the amount of development proposed. The main issue is therefore whether the proposed land use of the site for residential development is suitable, having regard to the following factors:
 - Site location, including access to services and facilities; and
 - Flood risk.

¹ Planning Practice Guidance Paragraph: 012 Reference ID: 58-012-20180615; Revision date: 15/06/2018

Reasons

Site location, including access to services and facilities

6. The appeal site is previously developed land located outside the settlement boundaries of both Swindon and the village of Wanborough. The elevated A419 forms a significant visual and physical boundary between the site and the edge of Swindon's urban area.
7. There is no dispute that the site is located outside of the settlement boundary and is in the countryside as defined in the Swindon Borough Local Plan 2026 (SBLP), adopted 2015. The A419 provides a clearly defined boundary to the urban area of Swindon. Whilst there is some limited development to the east of the A419, including the appeal site itself, the experience generally is of open views and a rural countryside setting. This contrasts with the built-up urban experience to the west of the A419.
8. The appellant has drawn my attention to a recently approved planning application for a site to the south of the appeal site. However, this was for a different form of development than this proposal, a vehicle fuelling station, so is not directly comparable. In any event each scheme must be considered and determined on its individual planning merits. Whilst this site is close to the edge of Swindon's urban area, there are very few existing residential properties to the east of the A419.
9. The appellant also highlights the nearby Local Plan allocation Policy NC3 'New Eastern Villages – including Rowborough and South Marston Village Expansion' for which the Southern Connector Road that provides access passes the appeal site. However, the appeal site falls outside of the land allocated by Policy NC3 and instead falls within countryside on the SBLP Proposals Map. The appeal site does fall outside the 'Indicative Non-Coalescence Area' shown on the New Eastern Villages Inset Diagram, but this of itself does not mean that residential development would be appropriate on the appeal site.
10. Whilst this is a brownfield site, which the appellant suggests is akin to the notion of encouraging the use of 'Grey Belt' in a Green Belt location, it does not fall within a location planned for residential development under Policy SD2 of the SBLP. It should be judged as a development proposal in a rural and countryside location, under criterion c of Policy SD2. The appeal proposal does not meet any of those criteria. I therefore find that the appeal proposal conflicts with Policy SD2 of the SBLP.
11. The appeal site is accessed off Pack Hill, which has a shared cycle and pedestrian footpath on one side of the road. Street lighting is present as the road bends to link with the Commonhead roundabout but not directly outside the appeal site or the stretch of road between the site and the bend. There is no bus stop on Pack Hill.
12. The nearest bus stops to the site are located on Marlborough Road. The walk to and from those bus stops involves negotiating the large Commonhead roundabout which is busy with vehicular traffic and crossing the two slip roads that provide access to and from the A419. Whilst there are pedestrian crossings and street lighting on the Commonhead roundabout, the pedestrian experience walking underneath the elevated A419 on a busy roundabout is such that it is highly doubtful occupiers of properties on the appeal site would make the near half a mile walk to and from the nearest bus stops. The lack of street lighting in the immediate

vicinity of the appeal site would further reduce the likelihood of residents walking to and from the bus stops at night.

13. Whilst it is welcomed that the local cycle network passes the appeal site, the lack of convenient access to a bus stop means that the proposed development would be largely car dependent.
14. The appellant contends that the move towards electric vehicles is an important material planning consideration and has drawn my attention to a recent appeal decision² supporting that view. I do not know the details of that case, and in any event each scheme must be considered and determined on its individual planning merits. Whilst building regulations require new dwellings to have charging points for electric vehicles, there is no way of controlling via planning condition or any other means the type of cars that residents own. Whilst there is a move towards ownership of electric cars this should not mean that planning policies and decisions should encourage car dependent development rather than directing housing development towards locations which are accessible and served by a full range of transport choices.
15. I therefore consider that the appeal proposal would cause significant harm to future occupiers of the dwellings by being remote from services and facilities and therefore car dependent, contrary to Policy TR2 of the SBLP, which requires, amongst other things, new development to be located and designed to reduce the need to travel and to encourage the use of sustainable transport alternatives.

Flood risk

16. The appellant has provided extracts from Environment Agency flood risk maps, which show that Flood Zone 2 only fractionally extends into the site boundary, and notes that in any layout submitted with a future TDC application the proposed dwellings on the site would be located entirely within Flood Zone 1.
17. Acknowledging the proximity of the site to Flood Zones 2 and 3, the appellant notes that a future TDC application would be supported by an appropriate Drainage Strategy to demonstrate that the development would not increase the risk of flooding elsewhere.
18. I consider that the appellant's proposed approach in relation to flood risk would be appropriate in the circumstances for the two stage PiP consenting route, and that this proposal therefore does not conflict with either Policy EN6 of the SBLP or paragraphs 170 and 181 of the National Planning Policy Framework (the Framework).

Planning Balance

19. Set against the harm identified, the proposal would deliver up to 9 new dwellings. This would support the Government's aim of significantly boosting the supply of homes and contribute towards addressing the current shortfall in the Borough's housing land supply. However, the addition of 9 dwellings would be relatively modest in this context, and I attach moderate weight to this benefit. The proposal would also generate limited economic activity during its construction, provide support to the local economy from future occupiers of the development, and the delivery of 10% Biodiversity Net Gain, all to which I ascribe minor weight.

² APP/Y3940/W/24/3345598

20. The appeal proposal would cause significant harm by locating new residential development outside of the defined settlement boundaries in a location remote from services and facilities, with lack of convenient access to a bus stop making it car dependent.
21. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Accordingly, paragraph 11(d) of the Framework is engaged, and 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.
22. The benefits associated with the provision of up to 9 additional dwellings would be moderate, even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. The Framework at paragraph 115 states that in assessing applications for development sustainable transport modes should be prioritised and that safe and suitable access to the site needs to be achieved for all users.
23. Therefore, the adverse impacts of the proposal being located outside of the defined settlement boundaries and remote from services and facilities, specifically the lack of convenient access to bus services resulting in a car dependant scheme, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
24. I note that the appeal site falls within the North Wessex Downs National Landscape. As I am dismissing the appeal for other reasons, I have not needed to consider the duty on relevant authorities under section 85 of the Countryside and Rights of Way Act 2000 (as amended) to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.

Conclusion

25. For the reasons given above, the proposal conflicts with the development plan when read as a whole and there are no material considerations, including the policies in the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

Mark Harrison

INSPECTOR