



Appeal Decision

Site visit made on 29 October 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Appeal Ref: APP/Y3940/W/25/3367300

Land at 20 Malmesbury Road, Leigh, Cricklade, Wiltshire SN6 6RH

- 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 & Mrs N & A Tones against the decision of Wiltshire Council.
 - The application Ref is PL/2025/00452.
 - The development proposed is Erection of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary 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 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') 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. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.
4. The application form for permission in principle states that a maximum of one dwelling is proposed on the site. I have determined the appeal accordingly.

Main Issue

5. 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

6. The site has the character and appearance of a grassed, domestic garden partly enclosed by trees and forms part of the grounds of an adjoining dwelling. There are open fields immediately to the north of the site. The trees on and around the site boundaries, including an unkempt, wooded parcel of land beyond its eastern boundary, cause it to blend with its rural setting.
7. Core Policies 1 and 2 of the Wiltshire Core Strategy 2015 (WCS) set out the settlement strategy for the district directing development to Principal Settlements,

Market Towns, Local Service Centres and Large and Small Villages. Whilst some very modest development may be appropriate at Small Villages to meet particular local needs, the site does not lie within a Small Village as identified in WCS Core Policy 13 which defines the strategy for the Malmesbury area in which the site is located. Although development may need to be distributed across the area and its settlements to meet local need, Core Policy 2 only permits development outside the limits of development in specific circumstances. The proposal does not comply with any of the circumstances identified in the policy.

8. I have not been directed to any WCS policy which permits infill development in this countryside location. Notwithstanding this, even though there is an existing dwelling adjacent to its western boundary, as the site is behind the main building line of houses fronting Malmesbury Road and does not form a gap between existing buildings, it would not constitute infill development. It would result in the encroachment of new residential development towards the countryside.
9. The busy nature of Malmesbury Road, the B4040, coupled with the absence of footways and street lighting and the distances involved, means that there would not be a safe or convenient pedestrian route for future occupiers to the services and facilities in other settlements including Cricklade to the east or Ashton Keynes to the north. This would be particularly the case after dark or in bad weather. Nor would the public footpath which runs past the western boundary of the site provide suitable pedestrian access for all users to services and facilities in nearby settlements due to its rough nature and the distance to the settlements.
10. There are bus stops on Malmesbury Road close to the proposed site access and within a short walk of the site. The bus service however is limited with the C54 weekday service to Cricklade and Cirencester departing at 8.08am and returning at the end of the day. Although this would provide a public transport option for future occupiers of the development, the long gap between outward and return journeys means it would not be a convenient mode of transport for occupiers of the development who might need to leave later or return earlier in the day. The absence of a weekend bus service means there would be no public transport option on those days. As a result, future occupiers of the proposed dwelling would be likely to rely on the private car for access to many services and facilities.
11. Therefore, even taking into account that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, for the above reasons, residential development in the proposed location would cause a moderate level of harm to the settlement strategy in the development plan. It would conflict with WCS Core Policies 1, 2, 13, 60 and 61 which seek to control development outside the defined limits of development; ensure that development takes place in sustainable locations and is located to reduce the need to travel particularly by private car.

Other Matters

12. Against the harm I have identified, there would be economic, social and environmental benefits arising from the proposal. It would provide an additional windfall dwelling which, given the Council's housing land supply shortfall, would be a moderate benefit. The National Planning Policy Framework (the Framework) highlights that small sites such as this can make an important contribution to meeting the housing requirement in the area and are often able to be built out

relatively quickly. Therefore, the benefit of providing an additional dwelling carries moderate weight in favour of the proposal.

13. The development would generate employment during the construction stage and future occupants would contribute to the vitality of the local community and Council revenues. These modest benefits attract moderate weight in favour of the proposal. Whilst future biodiversity enhancements would also be a moderate benefit, the details of those enhancements are not before me and they therefore carry limited weight at this stage.
14. Even though it currently forms part of the garden of the existing dwelling and the Council therefore accepts it constitutes previously developed land (PDL), the Framework makes clear that it should not be assumed that the whole of the curtilage of developed land should be developed. The scale and form of the dwelling and future landscaping of the site would be matters for the technical details consent stage if this appeal is allowed. Nevertheless, development of the site for a single dwelling would cause the site to lose its current character as a domestic garden and result in the encroachment of built form beyond the existing pattern of development into the countryside. This would be particularly noticeable from the public footpath from which the site is clearly visible. For the reasons given, the use of PDL therefore would have little benefit and attracts limited weight in favour of the development.
15. I am aware of the development of five dwellings close to the proposed site entrance on the southern side of Malmesbury Road and the conversion of the former pub to a further dwelling. However, I am not aware of the full details of those schemes or the balance of considerations which led to their being granted planning permission. From the evidence before me, those developments are not identical to the appeal proposal which I have considered on its individual merits.
16. The provision of an electric vehicle (EV) charging point would be a matter for the technical details consent stage and might encourage future occupiers to use ultra-low or zero emission vehicles. Nevertheless, I am not convinced, that occupiers of the site could be restricted from using other types of vehicle. Whilst EV charging points were required by condition in the Westbury appeal decision¹, I am not aware of the full details of that scheme. However, from the evidence before me, that site is located on the edge of the settlement of Westbury and sufficiently close to the services and facilities that the market town provides. Moreover, a wider range of active and sustainable modes of travel appear to have been available than in this appeal.
17. I am also aware of the previous appeal decisions at Milbourne² and Clench Common³ but have not been provided with full details of those schemes or their planning context. Milbourne is identified as a Small Village by WCS Core Policy 13 where, unlike the location of this appeal site, there is qualified support through Core Policy 2 for development that meets housing needs subject to the criteria set out in Core Policy 2. At Clench Common the site had been previously used for kennels and, unlike this appeal site, included several buildings and a hardstanding. Therefore, whilst these appeals were allowed, the circumstances in those cases were materially different to this appeal.

¹ APP/Y3940/W/24/3345598

² APP/Y3940/W/23/3318945

³ APP/Y3940/W/21/3266427

18. Even though the occupiers of existing houses in the vicinity may already rely on access by private car to services and facilities, neither this nor the other appeal decisions which have been referred to, justify the harm caused to the conflict with the WCS settlement strategy identified above.
19. The site is within the inner zone of influence of the North Meadow and Clattinger Farm Special Area of Conservation. An agreement under S111 of the Local Government Act 1972 has been submitted to pay a Recreational Impacts Mitigation Contribution. However, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the main issue it is not necessary for me to consider this matter in any further detail.
20. Whilst the proposal may not have attracted objections from the local Parish Council or adjoining residents, for the reasons given above, this does not justify the conflict with the development plan which I have identified.

Planning Balance and Conclusion

21. The appellants state that the Council can only demonstrate 2.03 years of deliverable housing sites. The Council's Housing Land Supply Statement June 2025 provides an update using a base date of 1 April 2024 which indicates that the Council can demonstrate 2.42 years supply. Either figure is substantially below the minimum level required. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
22. For the reasons given, the site's countryside location away from existing services and facilities would cause conflict with the strategy in the WCS to direct development to sustainable locations and the WCS policy requirement to locate new development to reduce the need to travel, particularly by private car. This results in conflict with WCS Core Policies 1, 2, 13, 60 and 61. As a result there is conflict with the development plan as a whole.
23. The Council's housing land supply position, however, means that these policies are deemed to be out of date for the purposes of the Framework. Paragraph 232 of the Framework, nevertheless, makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework requires that sustainable transport modes are prioritised and that safe and suitable access to the site can be achieved for all users. Core Policies 60 and 61 are generally consistent with the Framework and, whilst the Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the conflict with Core Policies 60 and 61 carries substantial weight. The significant shortfall in the Council's housing land supply however indicates that the settlement strategy is not delivering the required number of houses. This means that the conflict with Core Policies 1, 2 and 13 carries only limited weight.
24. Applying footnote 7 of paragraph 11d) i. of the Framework, there are no policies in the Framework that protect areas or assets of particular importance relevant to this appeal. In these circumstances, paragraph 11 d) ii. of the Framework is engaged.

25. The development would conflict with the Framework's policies for directing development to sustainable locations. Although the benefit of providing an additional dwelling attracts moderate weight in favour of the scheme and there would be other benefits which also weigh in favour of the proposal, the harm caused by the conflict with the policies of the Framework to promote sustainable development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.
26. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR