



Appeal Decision

Hearing held on 27 August 2025

Site visit made on 26 August 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/Y3940/W/25/3363961

Sandy Furlong Farm, Compton Road, Hilmarton, Nr Calne, Wiltshire SN11 8SH

- 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 Mathurst Developments Ltd against the decision of Wiltshire Council.
- The application Ref is PL/2024/00559.
- The development proposed is erection of 13 dwellings for independent older persons, associated parking, landscape and works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 13 dwellings for independent older persons, associated parking, landscape and works at Sandy Furlong Farm, Compton Road, Hilmarton, Nr Calne, Wiltshire SN11 8SH in accordance with the terms of the application PL/2024/00559 subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for an award of costs was made by the appellant against Wiltshire Council. In response an application for an award of costs was made by the Council against the appellant. These applications are the subject of a separate decision.

Main Issues

The main issues are:

- Whether the site is an appropriate location for new housing having regard to local and national planning policies;
- Whether the site is an appropriate location for new housing having regard to the accessibility to services and facilities; and
- The effect of the proposed development upon the character and appearance of the area.

Reasons

Appropriate location

3. Policy CP1 of the Wiltshire Core Strategy (2015) (WCS) states that development will be limited to defined settlements and to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. WCS Policy CP2 sets out the delivery strategy for the area and states that

permission for development outside settlement boundaries will be limited to development specifically permitted by other WCS policies, which does not include the provision of market housing in countryside locations.

4. Recognising Wiltshire has a diverse population including an ageing one greater than the national average WCS Policy CP46 seeks to meet the needs of the area's vulnerable and ageing population. Based on an ordinary reading of the policy it is apparent that it is split into two separate parts. The first part of the policy makes specific reference to housing schemes to assist older people to live securely and independently within their communities. Whereas the second part of the policy refers to specialist accommodation including nursing accommodation, residential homes and extra-care facilities and which should be directed towards Principal Settlements and Market Towns.
5. Noting that the list in the second part of the policy is not exhaustive the types of examples by their nature involve an element of care or assistance and proposals should take their flavour from the examples listed, in my view. To my mind this is clearly distinct from the first part of the policy which is focused on individual housing schemes for independent living and without a care element.
6. Accordingly, the proposed development is not bound by the locational requirements of the second part of the policy and, in this particular circumstance, there is no requirement for the scheme to be located within a Principal Settlement or Market Town. In my judgement the scheme before me advanced as a housing development for persons over 55 years old would fall within one of the 'exception policies' which permits development outside the limits of development where it would help to meet the housing needs of settlements.
7. The Council accept that there is a need for older persons housing within their administrative area and based on the wealth of evidence before me, including the Wiltshire Local Housing Needs Assessment Update from early 2023, I can only come to the same conclusion.
8. I have taken into account the Council's comments in respect of specialist housing for older people and the Planning Practice Guidance (PPG). However, as the PPG states the list is not exhaustive but rather an indication of the various types of housing that are available for older persons. Based on the available information I am not persuaded that the examples are definitive or a clear definition of what constitutes specialist housing. As such, I do not find that this is a determinative factor in coming to my decision.
9. Nor do I agree that this approach would lead to unfettered age restricted housing in Wiltshire as proposals would still need to accord with other relevant development policies and considerations. Furthermore, every application and appeal must be considered on its own individual merits, as I have done.
10. As such, the proposed development accords with WCS Policies CP1, CP2, CP8, CP46 and Saved Policy H4 of the North Wiltshire Local Plan (2011) which, amongst other things, seek to direct new housing that meets the varying needs of the local community including housing for older persons to live independently to suitable locations.

Accessibility to services and facilities

11. Hilmarton is a compact village and whilst it benefits from limited services and facilities the Duke Hotel on the A3201 stocks basic essentials and has a café serving tea and coffee. In proximity to the hotel are bus stops served by the number 55 bus route that operates between Chippenham and Swindon. It runs every 20 or so minutes from early morning and late into the evening including at weekends.
12. In my view the frequency of the bus service is on a par with those in urban areas and this combined with the relatively short journey times would provide future occupiers with a viable alternative transport option to access employment, leisure and other day to day services and facilities in the wider area.
13. I cannot say that crossing the A3201 to visit the Duke Hotel or to wait for the bus towards Swindon would be a particular hindrance for future occupiers given there is good visibility along the road, in both directions, and the presence of a refuge place and tactile paving would help pedestrians to cross the road.
14. The proposed link would connect the site to the existing footpath on Compton Road and the network of footpaths within the village. Based on my observations I am not persuaded that the narrowness of the footpaths and the absence of streetlighting would deter residents from meandering through the village to access the bus stops or other facilities in the village and which would be within short walking distance of the site.
15. Whilst there would likely be some use of private vehicles given the village's rural location the proposed development makes provision for alternative transport options to access services and facilities in the area. Future residents would be able to access them on foot, on bicycle and by public transport without an over reliance on private vehicles. Furthermore, the perimeter footpath and provision of the communal allotments and cottage gardens would reduce the need for some residents to travel for leisure and recreational activities.
16. I note the representations made that the bus service is unreliable, however, this is largely anecdotal. As such, I give this negligible weight in coming to my decision.
17. As paragraph 110 of the National Planning Policy Framework (the Framework) acknowledges transport solutions vary between urban and rural areas. As such, there will be a tension and a balance to be struck between the desirability of supporting sustainable rural development and maximising sustainable transport opportunities.
18. I find that the location of the proposed development would not be unacceptable having regard to the accessibility to nearby services and facilities. It therefore accords with WCS Policies CP1, CP2, CP60 and CP61 which, amongst other things, seek to reduce the need to travel particularly by private car and promote sustainable transport alternatives. It would also accord with the aims and objectives set out in the Framework in respect of promoting sustainable transport.

Character and appearance

19. The appeal site comprises a rectangular agrarian field containing a collection of farm buildings, in varying states of repair. A public footpath leading from Compton Road cuts diagonally across the site extending into the neighbouring field where it

- continues to Rodwell. The site is enclosed by thick hedgerow and a line of mature trees along Compton Road.
20. The site lies on the southern edge of Hilmarton partially neighbouring residential development to the north, separated by a private lane. The site forms part of the urban fringe on account of the domesticated margin of land that runs along the settlement edge and acts as a transition between the built form of the village and the wider agrarian landscape.
 21. The historic core of the village is compact containing architecturally interesting buildings. Whilst more modern development has enveloped the core the overall layout is still relatively compact reflecting the historical layout.
 22. I concur with the Council that the proposed development would appear bolted on to the edge of the village. That said, given the nature of the scheme it is unlikely that it could be designed in a manner that would form a logical complement to properties along Compton Road and Poynder Place. The proposed scheme would be largely enclosed and visually contained, due to the dense boundary vegetation, and essentially inward looking arranged around the green landscaped island. On account of its overall layout it would not be seen as a continuation of neighbouring streets but as a discreet scheme when perceived by the viewer on the ground.
 23. There would be encroachment into the countryside and urbanisation of the site resulting from the proposed development, but to a degree the impacts would be offset by the porous layout and swathes of green and blue infrastructure surrounding the built form, providing a visual connection and an appropriate transition between the more compact built form of the village and the open agrarian landscape to the south. As the appellant's Landscape and Visual Assessment suggests the impacts would be localised and would not significantly detract from the surrounding landscape resulting in a moderate adverse effect.
 24. Views of the proposed development would be localised limited to fleeting views from Compton Road on account of the existing vegetation belt and close-range views from the public footpath. When walking along the public footpath the experience of entering and leaving the built form of the village and the local experience would evidently change through the introduction of houses and associated infrastructure prolonging the sense of being within the village. However, the perception of big skies and the sense of being within a rural environment would still be appreciable to a degree on account of the porous layout, boundary vegetation and soft landscaping and low ridgeline of the properties.
 25. There is no doubt that the local environment would be permanently altered, however, in my view, the harm in landscape and visual terms and in respect of how the local area is experienced would be moderate for the reasons set out above.
 26. Whilst the Council's Senior Landscape Officer proffers that there is a better way of laying out the development it is incumbent on me to make a decision based on the merits of the scheme as presented and on which the Council made their decision.
 27. I conclude that the proposed development would result in harm, albeit moderate, to the character and appearance of the area on account of its relationship with the established built form on the edge of Hilmarton and the encroachment of the proposed development into the agrarian landscape. As such, there would be conflict with parts ii, iii and vi of Policy CP51 and parts i and vi of Policy CP57

which, amongst other things, seek an appropriate transition between man-made and natural landscapes at the urban fringe, enhancement of local distinctiveness and development to relate effectively to the immediate setting and to the wider character and area.

Planning Obligations

28. The s106 agreement covers a number of planning obligations that are required by the WCS to ensure the facilities and services that are essential for development to take place are delivered or mitigate its impact. These include financial contributions towards waste and recycling and Public Right of Way upgrades, provision of allotments and open space and affordable units.
29. Given the policy requirements and infrastructure needs arising from the development I am satisfied that all of the obligations set out in the s106 are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and WCS Policies CP3 and CP43 which, amongst other things, require all new development to provide the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal including affordable homes.

Other Matters

30. To my mind, executive type housing typically would have large floor areas with a large number of bedrooms, set within generous grounds and with notable separation between buildings. This would be in contrast to the proposed development which includes a mix of 2 and 3 bed bungalows including a small terrace and semi-detached dwellings with gardens of a limited size. Given the size and layout of the scheme I am not persuaded that the proposed development could be considered to be executive type housing.
31. Taking into account the internal layout of the accommodation which includes level access and flexible spaces for home working and relative or carer accommodation I am satisfied that the proposed dwellings could be adapted to meet the needs of future occupiers into later life or if their personal circumstances change. In this regard, I am satisfied that the proposed development would provide a different housing model to meet the needs of the area allowing a churn in housing stock and encouraging some residents, including those already in the village, to move or downsize reducing instances of underoccupancy.
32. Comments that the proposed development could command a premium above average house prices in the area is conjecture. As such, I give this matter negligible weight in coming to my decision.
33. There is no substantive evidence before me that the proposed development would adversely affect the safe and efficient operation of Compton Road.
34. Both main parties have drawn my attention to appeal decisions and whilst I have had regard to them where necessary the circumstances of these decisions are different to the scheme before me. I have determined the appeal before me on its own merits.

Planning Balance

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
36. In this instance there would be some conflict with WCS Policies CP51 and CP57 on account of the encroachment of built form into the surrounding agrarian landscape and its relationship with the established built form. That said, I find this conflict to be moderate.
37. The Framework, at paragraph 78, states that local planning authorities should identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, including an appropriate buffer.
38. The Council is unable to demonstrate a sufficient five-year supply of housing land. As such, paragraph 11 d) ii of the Framework is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits 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.
39. Given the Council's housing land supply position, of around 2.42 years, it is evident that there is a pressing and urgent need for housing when considering the extent of this shortfall. As such, the delivery of 13 dwellings would make a reasonable contribution towards the area's housing supply providing housing that would meet the needs of the area and different groups in the community. Its scale means it would likely be built out relatively quickly. The delivery of market units attracts significant weight in favour of the proposal. This is also the case for the delivery of affordable dwellings.
40. Turning to the economic implications - the development would provide jobs, but this would largely be limited to the construction phase. The proposal would be in proximity to services and facilities with alternative options to car travel. New residents would support local services and facilities through increased expenditure. These social and economic benefits attract moderate weight in favour of the proposal.
41. The planning obligations would contribute towards supporting or improving local facilities and infrastructure. However, these would essentially mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence in the overall balance.
42. I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. A decision should thus be taken otherwise than in accordance with the development plan.

Conditions

43. In the event of the appeal being allowed, the Council suggested that 17 conditions would be necessary to make the scheme acceptable. I have considered the suggested conditions in light of the Framework and the PPG. In the interests of

precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.

44. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions restricting the occupancy of dwellings to those aged over 55 and as their principal residence are necessary.
45. In the interests of biodiversity conditions for a Habitat Management and Monitoring Plan and external lighting have been imposed.
46. Conditions for visibility splays, parking, turning areas and cycle parking, details of the footway and of foul and surface water drainage, are necessary in the interests of the safe and efficient operation of the local highway network and pedestrian connectivity.
47. In the interests of protecting trees in and around the site and archaeology conditions for an Arboricultural Method Statement and a written scheme of investigation have been imposed to protect natural and historical features that may be present.
48. Conditions have been imposed to ensure that the public footpath that extends across the site is not compromised during the construction works.

Conclusion

49. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Gillespie – Impact Planning Services

Jemma Clark – Impact Planning Services

Christopher David Miles – Miles White Transport

Will Harley – WH Landscaping Consultancy

Neil Keating – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Simon Smith – Area Development Manager

Paul Robertson – Senior Landscape Officer

INTERESTED PARTIES:

Graham Hughes – Local resident

John Henly – Hilmarton Parish Council

Richborough

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following documents: Location Plan Drawing Number JWS/00/RG; Site Layout at Ground Level Drawing Number 1620-103 Rev E; Site Layout at Roof Level Drawing Number 1620-105 Rev C; House Type A – Plots 5, 12 Drawing Number 1620-110 Rev A; House Type B – Plots 6, 11 Drawing Number 1620-111 Rev A; House Type C – Plots 8, 9 Drawing Number 1620-112 Rev A; House Type C – Plots 7, 10 and 13 Drawing Number 1620-113 Rev A; House Type D – Plots 1-4 Drawing Number 1620-114 Rev A; House Type D – Plots 1-4 Drawing Number 1620-115 Rev A; Garage/Storage Building Drawing Number 1620-118; Landscaping Layout Drawing Number 1620-120 Rev C; Boundary Treatment Plan Drawing Number 1620-130 Rev A; Proposed site access arrangements Drawing Number 22094-GA01 B; Landscaping Layout Rev A; Ecological Mitigation and Enhancement Strategy (September 2023); Biodiversity Net Gain Assessment (September 2023) and Completed Biodiversity Metric 4.0 (September 2023).
- 3) No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved statement.
- 4) No development shall take place until a Habitat Management and Monitoring Plan including the Biodiversity Gain Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a written programme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.
- 6) No development shall take place until details of the foul and surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) The development shall not be first occupied until the footway into the private lane and realignment of Compton Road and associated drainage amendments are carried out in accordance with the approved plans.
- 8) The development shall not be first occupied until the visibility splays shown on the approved plans have been provided and shall be free of any obstruction exceeding 900mm in height and shall be retained as such thereafter.
- 9) The development shall not be first occupied until the access, turning and parking areas have been carried out in accordance with the approved plans. The areas shall thereafter be kept available for those purposes only.
- 10) The development shall not be first occupied until details of secure, covered cycle storage have been submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details prior to occupation and retained as such thereafter.

- 11) No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.
- 12) No construction / demolition vehicle access may be taken along PROW HILM4 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.
- 13) No materials, plant, temporary structures or excavations of any kind shall be deposited/undertaken which obstructs or affects the public right of way during construction of the development.
- 14) The development hereby permitted shall not be occupied other than by a person and/or dependant relatives as their only or principal home. The dwellings shall not be occupied as a second home or holiday let accommodation.
- 15) Each unit of the development hereby permitted shall be occupied only by:
 - i) Persons aged over 55 years old;
 - ii) persons living as part of a single household with such a person or persons;
 - iii) persons who were living as part of a single household with such a person or persons who have since died.

END OF SCHEDULE



Costs Decision

Site visit made on 26 August 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Costs application A in relation to Appeal Ref: APP/Y3940/W/25/3363961

Sandy Furlong Farm, Compton Road, Hilmarton, Nr Calne, Wiltshire SN11 8SH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mathurst Developments Ltd for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of planning permission for the erection of 13 dwellings for independent older persons, associated parking, landscape and works.

Costs application B in relation to Appeal Ref: APP/Y3940/W/25/3363961

Sandy Furlong Farm, Compton Road, Hilmarton, Nr Calne, Wiltshire SN11 8SH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wiltshire Council for a partial award of costs against Mathurst Developments Ltd.
 - The appeal was against the refusal of planning permission for the erection of 13 dwellings for independent older persons, associated parking, landscape and works.
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Decision

1. Application A for an award of costs by the appellant is refused.
2. Application B for an award of costs by the Council is refused.

Preliminary Matters

3. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. All parties are expected to behave reasonably to support an efficient and timely process.
4. Unreasonable behaviour in the context of applications for an award of costs may either be procedural relating to the process or substantive relating to the issues arising from the merits of the appeal.

Application A

5. Paragraph 049 of the PPG sets out local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing a planning application.
6. The appellant contends that Wiltshire Council (WC) has acted unreasonably on a number of grounds including continued resistance to the scheme; failure to produce substantive evidence to support the reasons for refusal and prolonging the period for determination of the application.

7. There is no dispute that the publication of the revised National Planning Policy Framework (the Framework) and application of the standard method for determining the minimum number of homes needed resulted in a significant change in circumstances in respect of WC's five-year housing land supply position.
8. Whilst the Framework is a material consideration of significance the development plan still has primacy in the decision-making process. The weight to be given to relevant policies, which are most important for determining the application, is essentially a matter of planning judgement. The decision to advocate resubmission of an application or to defend an appeal is essentially a matter for WC depending on their appetite.
9. Whilst I have not sided with WC regarding the merits of the development it is apparent that they considered there was sufficiently strong grounds to defend their position. The case officer produced a cogent report and a decision notice which detailed the reasons for refusal. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would be in conflict with.
10. I have noted the advice of WC's Highways Development Control Team and the Urban Design consultee. However, the decision is one which is a matter of planning judgement based on the merits of the case. Whilst the case officer has taken what could be considered a different view from that of their consultees, they are not duty bound to follow that advice, provided that there are sufficient planning grounds to come to a contrary view. I am of the view that their reasoning has been adequately substantiated in the officer report and at appeal. Furthermore, whilst I concur with the appellant in terms of Policy CP46 I cannot say that WC has erred in their interpretation of this policy, but rather that they have exercised reasonable planning judgement. I find that it was not unreasonable for WC to have reached a different view to the appellant.
11. I note the frustrations levelled by both main parties against one another in respect of the planning application process prior to submission of the appeal. However, there is nothing substantive before me to clearly indicate that WC failed to understand the proposal or give due regard to the merits of the scheme. Nor is there anything credible to suggest that it was pre-judged or there was a deliberate attempt to delay the application for administrative purposes. In any event the PPG is clear that costs cannot be claimed for the period during determination of the planning application.
12. I therefore find that WC has not acted unreasonably resulting in unnecessary or wasted expense, as described in the PPG. For this reason, and having had regard to all other matters raised, an award of costs against WC is not justified.

Application B

13. Paragraph 053 of the PPG sets out examples of unreasonable behaviour by appellants that could give rise to a substantive award. Whilst there is disagreement between the main parties in respect of Policy CP46 I cannot agree with WC that the appellant's interpretation is illogical or relies on wording or explanatory text that does not exist. This matter was one presented within the appellant's written evidence, it formed a main issue and was discussed in detail during the course of the Hearing. As seen by my decision I cannot say that the appellant has acted

unreasonably in pursuing this element as it is one that goes to the heart of the planning considerations particular to this case and clearly I found that the appellant's argument had merit.

14. I acknowledge that the Council are somewhat disappointed by some of the comments directed towards the case officer regarding management of the planning application. However, these comments are evidently a result from the appellant's sense of frustration with the planning process prior to the appeal. Whilst WC has had to produce a rebuttal of the appellant's costs claim this is part and parcel of the appeal process and there is nothing to indicate that the Council were unduly inconvenienced or otherwise by the actions of the appellant in this regard.
15. In my judgement WC's application for a partial award of costs against the appellant is frivolous and undermines the aim and purpose of the costs regime. For this reason, and having had regard to all other matters raised, the appellant has not acted unreasonably which has directly caused unnecessary or wasted expense. Therefore, a partial award of costs against the appellant is not justified.

B Thandi

INSPECTOR