Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Application for Removal/Variation of Conditions

Application Reference Number: PL/2023/05119

Decision Date: 7th February 2024

Applicant:	Mr Mark Hewlett 38 Water Ditchampton, Wilton, Salisbury, Wiltshire, SP2 0JB
Particulars of Development:	Variation of condition 3 to 18/03919/FUL to allow annexe to be rented out
At:	38 Water Ditchampton, Wilton, Salisbury, Wilts, SP2 0JB

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (3)

1 If condition 3 of 18/03919/FUL is removed/varied and there is no requirement for the existing annexe to be occupied ancillary to the main dwelling (No.38 Water Ditchampton), it would effectively enable unrestricted occupation and result in the creation of a separate planning unit. This would be at odds with the surrounding layout of dwellings and grain of development. It would result in a cramped and uncharacteristic layout that would be materially different to the current permitted use of the accommodation as a residential annexe and this would be harmful to the prevailing character of the area.

The application is not in accordance with sections 2 - Achieving sustainable development (paragraphs 8 and 11), and 12 - Achieving well-designed places (paragraphs 131, 135, and 139) of the National Planning Policy Framework and Core Policies 33 and 57 of the Wiltshire Core Strategy.

2 The whole of the existing annexe is in flood zone 3 (i.e. at the highest risk of flooding). Council records also indicate that the site is at high risk from surface and groundwater flooding. The 2018 permission was clear that the annexe should only ever be occupied ancillary to No.38. Due to the interdependency with the main dwelling, if the annexe were ever at risk of flooding, it is a reasonable expectation to assume that the occupant(s) would easily be able relocate to No.38 (which is at a

significantly lower risk of flooding).

If condition 3 of 18/03919/FUL is removed/varied and there is no requirement for the existing annexe to be occupied ancillary to the main dwelling (No.38 Water Ditchampton), it would be distinct from this property. The Council has strong concerns that this would mean that occupier(s) of the accommodation would be at greater risk from flooding as they could not rely on relocating to No.38. No site-specific flood risk assessment has been submitted with this application and no other information has been supplied to address the concerns relating to flood risk.

The application is not in accordance with section 14 - Meeting the challenge of climate change, flooding and coastal change (paragraphs 157, 159, 165, 173 and 174) of the National Planning Policy Framework and Core Policy 67 of the Wiltshire Core Strategy.

3 Car parking would be shared on the hard surfaced area in front of the main dwelling. If condition 3 of 18/03919/FUL is removed/varied and there is no requirement for the existing annexe to be occupied ancillary to the main dwelling (No.38 Water Ditchampton), the respective properties could be sold or rented out completely independently of one another in the future. Whilst the applicant may currently have no concerns and has control over parking arrangements and the tenant(s), this may not always be the case. There are strong concerns about the potential future impacts on the occupiers of No.38 from noise and disturbance from vehicle movements particularly given how close windows are to the parking area and the fact any residents and visitors would have to walk past the existing house to gain access to the property at the rear.

The application is not in accordance with Core Policy 57 of the Wiltshire Core Strategy.

Informatives: (1)

4 The decision on this application was made against the following plan:

Location Plan received 13/09/2023

Parvis Khansari **- Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).