

10th November 2025

Our Ref: SWLC.LPC6217

Development Services – North
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

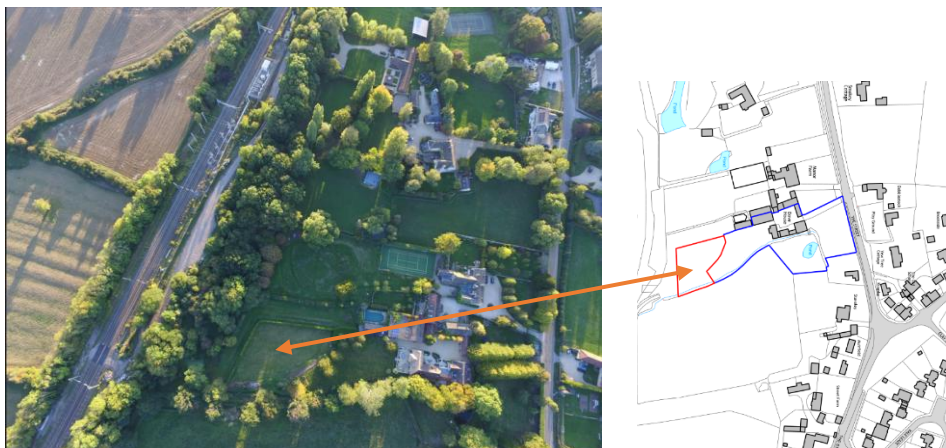
Dear Sir/Madam

Town and Country Planning Act 1990
The Planning (Listed Buildings and Conservation Areas) Act 1990
Use of associated land at
Dove House, The Street, Little Somerford, SN15 5JW

As your records will confirm my clients (Ms P Pascoe and Ms T Pascoe) previously made an application for the provision of a tennis court on land to the rear of the above property (LPA reference PL/2023/06637). That application was described as; 'Construction of a hard surfaced tennis court and surround fencing with associated change of use'.

The application was refused as the proposed works were described as an 'incongruous domestication of agricultural land', failing to 'respond positively to existing townscape'. The encroachment 'upon the open land and rural part of the Little Somerford Conservation Area' was also said to be harmful to the area's character and appearance.

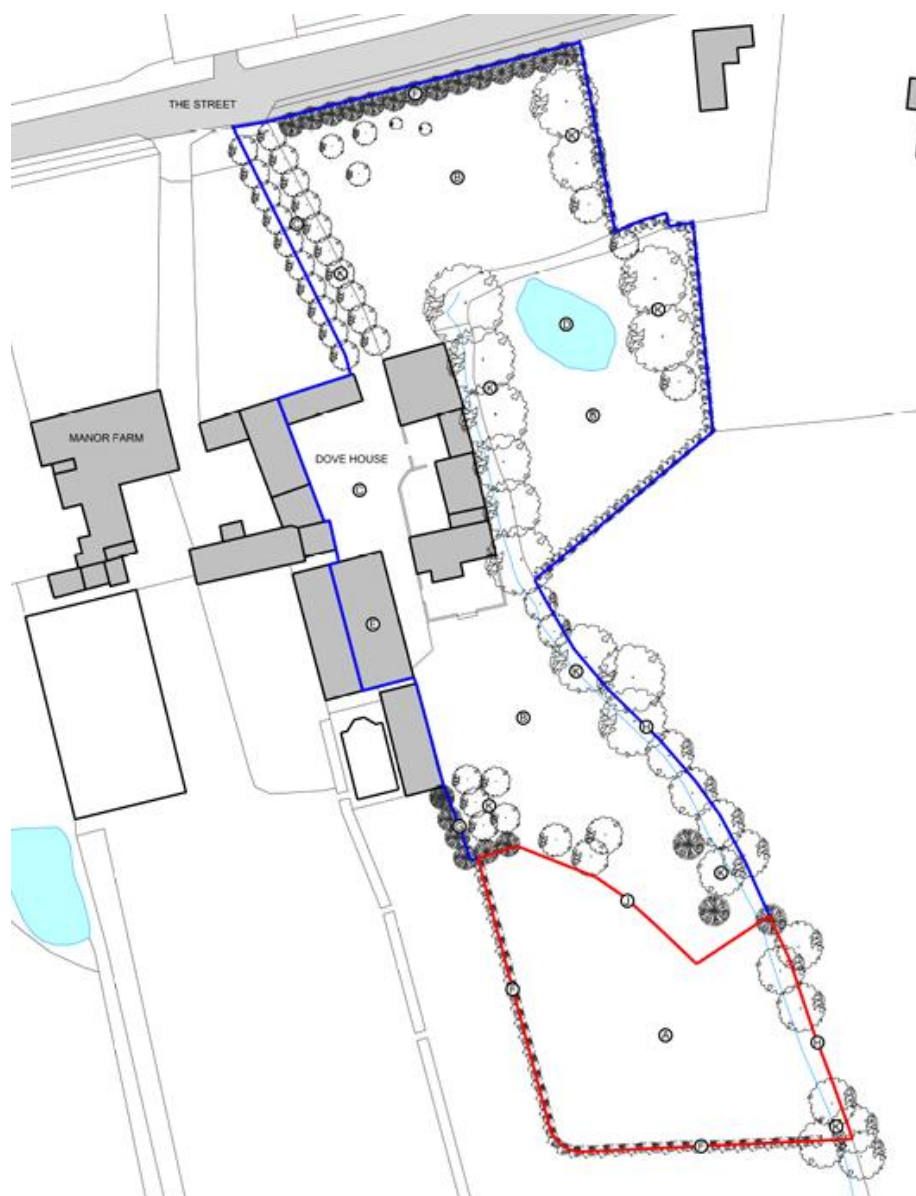
The above refusal was dated 4th January 2024, since when, my clients are conscious that the wider area of land (identified below) effectively has a nil use but has been managed and mown contiguously with the rest of their garden. There is no access, other than through the established garden, and even if it was considered sufficient in size to use separately, as say a pony paddock, the need for stabling etc would be likely to raise similar concerns to those summarised above.



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Accordingly, the modest area of land in question has no meaningful agricultural, or even possible equestrian use, and my clients are conscious that its maintenance, in a similar manner to the rest of their largely lawned garden, although tolerated over several years, could arguably indicate there has been an unauthorised change of use. For the avoidance of doubt, it is the purpose of the enclosed application to seek to simply authorise its residential garden use.

The land is laid to grass and has a laurel planted hedge around its outer boundaries, with a partial length of timber post and rail fencing demarking the end of the exiting garden. The land measures approximately 45m in width at its widest point and under 50m in depth and has an area of about 0.2ha as shown below it is not a uniform area of land but squares off the garden within the established planted boundaries. The only physical change will be the removal of the remaining post and railing fencing at the end of the existing garden.



Returning to the officer's decision report for application PL/2023/06637 the tennis court was said to 'form a very domestic incursion into swathe of otherwise open

countryside character that provides the Conservation edge and backdrop for the historic village centre. This is harmful to the character and appearance of the Little Somerford Conservation Area and it could lead to additional paraphernalia and a precedent for similar development to neighbour’.

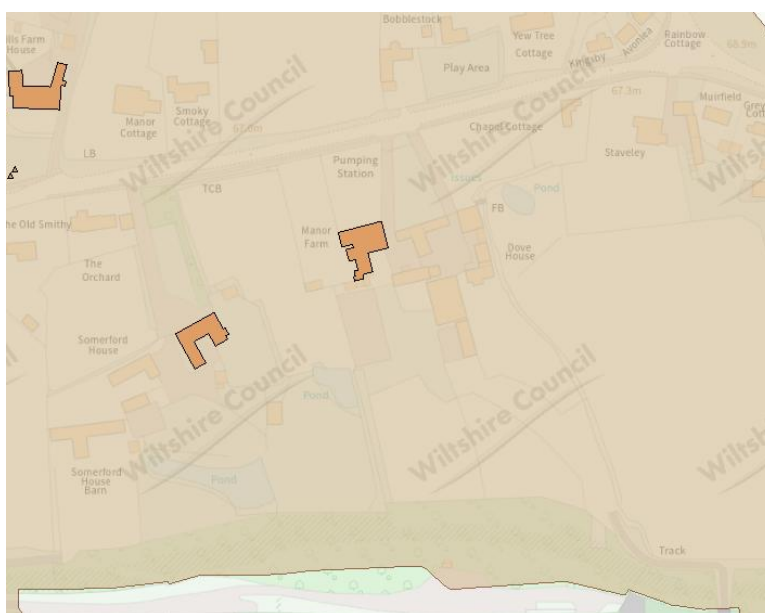
The planning officer’s assessment said that the proposal, ‘would create additional built form on an existing open field and it would urbanise this part of the rural area’.

The application proposal does not seek to execute any such physical changes, and it follows therefore that the prevailing character and appearance will be unchanged. There is most definitely no ‘domestic incursion’ planned as the land will remain open. In that regard, notwithstanding of course that any physical changes could be conditionally restricted, the land is more than 20m from the house so would not attract any meaningful permitted development rights in any event, for incidental garden buildings etc. It would therefore also not lead to an ‘urbanisation’ of the area. The land will simply continue to be cut with the rest of the larger areas of grass, intimately associated with the house. The following photographs show the land contextually as a contiguous part of the existing garden.



The application site is located to the south of Dove House, which is a non-listed building set back from the main road. The site is situated in the Little Somerford Conservation Area, the immediate context of which is shown by the plan extract and aerial views inserted on the following page. Additionally, and also shown on the following plan extract, the orange shaded properties identify the nearest Listed Buildings. Little Somerford is a small village and does not have a defined settlement framework. The information below though helps to show the built up limits of the

apparent transitional residential areas, distinct from the open countryside beyond the village.



Previous references to the application for a tennis court purported to describe the land as open countryside. Case law though distinguishes between fringe land and open and thus isolated areas. The aerial images above show that the western neighbours all have a comparable residential setting to the south so that the application merely formalises the existing rounding off, without changing the wider and intrinsic character.

The officer's decision report for the tennis court notes that there are a number of Listed Buildings nearby, including the Grade II Listed Manor Farm, Somerford House and Street Farm House and Barn. These are identified on the previous page.

The tennis court development was assessed to be, '100 metres to rear of Manor Farmhouse, therefore it is considered the proposal would not harm the setting of the listed buildings'. The same is of course applicable in this case, as no physical changes are proposed.

The principal issue is therefore whether the simple relabelling of the land as an extension to the existing garden, without physical change, adversely impacts on the character and appearance of the Conservation Area. As there are no physical changes the application does not trigger any reasons to raise ecological concerns.

The purpose of the change of use is to put the current position beyond reproach and extend the existing garden to allow a low level domestic use, including possible planting and biodiversity enhancement as part of the area's management. No built development, fencing or lighting is proposed as part of this application, thereby minimising any physical change or visual impact. The existing planted boundaries are shown below and will be unchanged. This can of course be conditionally controlled.



Section 38(6) to the Planning and Compulsory Purchase Act 2004 requires that all applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The Wiltshire Core Strategy provides the relevant Development Plan framework and the following policies are most relevant in this instance.

CP51 (Landscape): Proposals should protect, conserve and where possible enhance landscape character.

Core Policy 57 (Ensuring High Quality Design and Place Shaping): Development should relate positively to its landscape setting and the existing pattern of development.

Core Policy 58 (Conservation of the Historic Environment): Development should protect, conserve, and where possible enhance the historic environment.

The National Planning Policy Framework (NPPF) provides the governments' planning policies for England and explains how they should be applied. It is a material planning consideration.

Paragraph 135 clarifies that development should be sympathetic to local character, including the surrounding built environment and landscape setting.

Paragraph 207–211 seek to ensure, in respect of heritage assets, proposals should preserve or enhance the character or appearance of Conservation Areas.

There is a statutory duty arising at section 72 (1) to the Planning (Listed Buildings and Conservation Areas) Act 1990.

"In the exercise of planning functions with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Relevant case law in this regard underpinning the relevant planning assessment derives from the *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141. This landmark case clarified that the duty to "preserve or enhance" means doing no harm to the character or appearance of the Conservation Area. Lord Bridge of Harwich stated:

"Preserve... means do no harm. If a proposed development does not harm the character or appearance of the area, it can be said to preserve it."

Therefore, there is no requirement for positive enhancement; preservation is sufficient.

It clearly follows therefore that where no harm is identified, the statutory test is met. In this case, the proposal causes no harm to the character or appearance of the Conservation Area and thus preserves it within the meaning of Section 72(1). Even if permission were refused the grass will continue to be cut, which in and of itself is not a material change of use. The area's perceivable contribution to the prevailing character and appearance is neutral, particularly given the overall landholding's enclosed nature.

Conclusions

The proposed change of use is minor and non-physical; the land is already visually contained and experienced as part of the domestic setting.

There is no harm to the character or appearance of the Conservation Area. In line with South Lakeland, this satisfies the statutory requirement to "preserve."

No buildings, boundary alterations, or intrusive features are proposed, ensuring visual continuity and landscape sensitivity are unaffected.

Overall therefore the proposal:

Meets the legal test of "preserve" under Section 72(1);

Is fully supported by relevant case law;

Aligns with national and local policy;

Results in no visual, environmental, or heritage harm;

Provides a logical and low-impact extension of the applicant's existing curtilage, ensuring its only realistic long term management.

The applicants therefore respectfully requests that planning permission is granted for this change of use. Should you have any questions to ensure your support please do not hesitate to contact me.

Yours faithfully



Simon Chambers
Director

Enc.

Cc Ms P Pascoe
Ms T Pascoe
Mr J Bastable