

Wednesday, 24 December 2025

Objection to Application PL/2025/09369

Site Address: 69 Jersey Hill, Crockerton, Warminster, BA12 8BA

Description: Proposed change of use of existing garage and annexe to mixed use allowing for short term holiday letting plus ancillary accommodation

Introduction:

This objection is submitted on behalf of Andy Coward in response to the current application for a change of use to a mixed arrangement including short-term holiday letting. It focuses on the true planning baseline established by the 2020 permission, and on the resulting policy and practical impacts of introducing a commercial visitor accommodation use in a sensitive back garden location, with particular regard to settlement strategy compliance, residential amenity and highway safety.

Discussion of Scheme:

Planning History

The applicant confirms the relevant planning history and frames the proposal on that basis: planning permission 20/01510/FUL was approved on 08/04/2020. The applicant's Design and Access Statement asserts that the approved development was a detached "garage/annexe", and that the current proposal is expressly to change the use from ancillary accommodation to a mixed use arrangement, including short term holiday letting.

However, that summary is incomplete and, as presented, risks obscuring the most important point for the Council's assessment. The scheme originally applied for and approved was a garage and store, an incidental outbuilding typically associated with the main dwelling, rather than ancillary accommodation.

It was not applied for or presented as ancillary accommodation, and it was not proposed with the domestic features that were ultimately installed that would suggest independent occupation, such as glazed doors, timber garage doors, or a flue. The approved building therefore stood on a very different planning footing: it was justified as incidental to the enjoyment of the dwellinghouse, rather than as accommodation capable of functioning as a separate unit in practice.

Against that background, the current application does not simply propose a modest adjustment to an established ancillary use. It seeks to treat the development as though it was ancillary accommodation in the first place and then to layer on a "mixed use" component, including a commercial visitor accommodation use via short term holiday letting. That is a material escalation from what was originally proposed and accepted, both in planning terms and in its likely day to day effects.

While the applicant suggests that ownership will not be severed and proposes a condition to keep the unit linked to the main dwelling, this does not address the key planning issue. The critical

concern is the introduction of a commercial visitor accommodation use in a sensitive back garden position. Those impacts are qualitatively different from an incidental garage/store use and are also materially different from genuine ancillary accommodation used by the household, where occupation is typically low intensity and closely aligned with the patterns of the main dwelling.

For these reasons, the proposal represents an unjustified intensification which conflicts with the objectives of the settlement strategy and with amenity and transport policies, particularly given the back garden siting and the sensitivity of the surrounding residential environment.

Location of Development:

Crockerton's designation as a Small Village means that new development is expected to be limited and carefully controlled in order to safeguard rural settlement character and residential amenity.

Although small villages do not have defined settlement boundaries, the location of a proposal remains a key consideration in spatial strategy terms. In this case, the application site sits a significant distance from the main cluster of built form in Crockerton, beyond the area that reads as the recognisable village envelope. It is therefore not well related to the existing built-up form of the settlement and should be treated as development in the open countryside for policy purposes.

While the application is described as "mixed use" (holiday let plus ancillary use), in practical terms it introduces a commercial visitor accommodation use within a domestic back garden, in a backland position. The submission does not robustly demonstrate how a new tourist accommodation use in this location aligns with the settlement strategy approach, nor does it justify why this backland, countryside location represents an appropriate and plan-led form of development having regard to the protection of rural character and neighbouring amenity.

Tourist and Visitor Development Policy Tests:

CP39: the "exceptional case" gateway is not passed

Core Policy 39 (CP39) is intentionally restrictive. It directs tourist and visitor facilities to the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. It then sets a narrow exception, stating that exceptional cases away from those settlements may be supported only where it can be demonstrated that all of the following criteria are met:

- (i) there is evidence that the facilities are in conjunction with a particular countryside attraction;
- (ii) no suitable alternative existing buildings or sites exist which are available for reuse;
- (iii) the scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas;
- (iv) the building is served by adequate access and infrastructure; and
- (v) the site has reasonable access to local services and a local employment base.

On the information submitted, the proposal does not comply with these requirements.

First, CP39(i) is not met. The submission relies on general proximity to attractions in the wider area and broad visitor market aspirations. That is not the policy test. CP39(i) requires evidence that the facility is genuinely "in conjunction with" a particular countryside attraction in a way that necessitates this location. General references to destinations in the wider region, and generic cycling tourism ambitions, do not amount to the required site-specific justification.

Second, CP39(ii) is not met. There is no transparent demonstration that no suitable alternative existing buildings or sites are available for reuse. The policy expects a credible and proportionate assessment of alternatives within the settlement hierarchy, including reuse opportunities, which has not been presented in this instance.

Third, CP39(iii) is not met. The site sits within a quiet, domestic backland context. Visitor accommodation introduces a different pattern of use, including turnover, arrivals and departures, and associated external activity, which is materially different from a typical residential use. The application has not demonstrated that the scale and operational use would be compatible with the location, nor that it would avoid harm to residential amenity, particularly given the close relationship to neighbouring gardens and rear-facing rooms.

Fourth, CP39(iv) is not met, and the access context is central. The site is located on an unlit, single track country lane without footpaths. That is inherently sensitive to intensification. The lane has limited width and limited opportunities for vehicles to pass, and they are poorly suited to increased levels of visitor-related movements, manoeuvring, turning and servicing activity. The application's access and parking assertions are disputed for the reasons set out elsewhere in this objection and, in any event, the submitted material does not provide a robust evidential basis to conclude that adequate access is available.

Fifth, CP39(v) is not met. The location offers limited practical opportunities for cycling and walking and limited public transport connectivity. In those circumstances, visitors are likely to be heavily reliant on private cars for arrivals, departures and onward trips for basic services and activities. That car dependence undermines any claim that the site has reasonable access to local services and a local employment base in the manner intended by CP39(v).

Because CP39 requires all five criteria to be met, failure against multiple limbs means the proposal cannot be treated as an exceptional case and is therefore contrary to CP39.

CP40 does not provide a blanket justification for visitor accommodation

Core Policy 40 (CP40) does not offer an automatic route to permission. It supports tourism accommodation only in appropriate circumstances and then requires, in all cases, that proposals satisfy specific safeguards, including that they do not have a detrimental impact on the vitality of the town centre and that they avoid unacceptable traffic generation.

Even leaving aside whether the development properly falls within the conservation-focused circumstances contemplated by CP40 outside settlements, the "in all cases" requirements still apply. Here, the constrained and unlit single track lane, combined with limited cycling, pedestrian and public transport opportunities, points strongly towards a car-led proposal in practice. That increases the likelihood of intensified vehicle movements and associated conflict, inconvenience and disturbance on a sensitive rural access route. On the information submitted, the proposal has not demonstrated compliance with the requirement to avoid unacceptable traffic generation and therefore conflicts with CP40.

CP48: conversion and re-use criteria are not met

Core Policy 48 supports conversion and re-use of rural buildings for employment, tourism, cultural and community uses only where criteria are satisfied, including that the use would not detract from landscape or settlement character and would not be detrimental to residential amenities; that the building can be served by adequate access and infrastructure and that the site has reasonable access to local services.

On the submitted material, the proposal conflicts in particular with the amenity, access and service-access criteria. The backland relationship to neighbouring gardens and rear rooms creates an inherently sensitive context for visitor accommodation and the application does not convincingly demonstrate that the use would avoid harm to residential amenity or preserve the established domestic character of the area. The access and infrastructure position is also not resolved, given the unlit single track lane and the likelihood of intensified comings and goings associated with short stay use. Finally, limited pedestrian and cycling practicality and limited public transport opportunities undermine any claim that the site has reasonable access to local services in a manner consistent with policy expectations.

The policy framework is clear. Development away from the settlement hierarchy must pass a strict exceptional case gateway under CP39 and must also satisfy the access, amenity and sustainability safeguards in CP40 and CP48. The site's location on an unlit, single track country lane, together with limited cycling, pedestrian and public transport opportunities, materially undermines the access and sustainability narrative and reinforces the conclusion that the relevant policy tests are not met, and as explored below, it is considered that the proposal would give rise to significant residential amenity impacts.

Residential Amenity:

The building's siting at the end of the garden, in close functional relationship with adjoining rear gardens, means a holiday-let use would introduce a materially different and more intensive pattern of activity than either an incidental domestic garage or genuinely ancillary residential accommodation. The key issue is the nature, frequency and unpredictability of occupation that arises from short-stay commercial letting.

Visitor accommodation typically generates activity that is both more intensive and less predictable than a single household's incidental garden use. This includes more frequent and irregular arrivals and departures, often at evenings, early mornings and weekends, together with associated vehicle movements, slamming doors, conversation and luggage handling. It also includes regular changeover activity, commonly on fixed days, involving cleaning, linen changes, refuse handling and servicing, all of which increase external comings and goings at sensitive times. The noise profile is also different, with short-term occupiers more likely to generate episodic peaks, including late returns and outdoor conversation, rather than the lower level and familiar background activity associated with a settled household.

The applicant asserts that the outbuilding "is not overlooked by neighbouring properties" and that impacts would be very low, with comings and goings "very similar" to ancillary accommodation. That position is not accepted.

The application site is in fact overlooked, including from the host dwelling and from No. 68. More importantly, the outbuilding incorporates an upper floor window that looks directly towards the rear garden, patio area and rear-facing windows of No. 68 Jersey Hill. This establishes a direct overlooking relationship into private amenity areas and rear-facing rooms, which are amongst the most sensitive receptors in planning terms. It is also material that this upper floor window does not appear to be shown on the submitted floor plans. The window was originally intended to serve a mezzanine storage area, but would now serve a habitable bedroom, materially increasing the likelihood, frequency and impact of overlooking. A window associated with a mezzanine storage space might be used intermittently, whereas a bedroom window is associated with regular occupation and use at sensitive times, including early mornings and late evenings.

Given the omission of the window from the proposed floor plans, the local planning authority cannot properly evaluate privacy impacts where a principal overlooking feature is absent from the drawings. This undermines the reliability of the application information and prevents a robust assessment of the proposal as it would operate.

A commercial holiday let, with frequent changeovers and intensified external activity, is plainly a different planning outcome from purely incidental domestic use, and its effects on neighbours must be assessed realistically. The proposal therefore conflicts with Core Policy 57, which requires high quality design and compatibility with adjoining uses, including the protection of privacy and general amenity. It also conflicts with the NPPF objective of securing a high standard of amenity for existing and future users, and with national policy expectations to mitigate and minimise adverse noise impacts. A holiday let in a quiet, countryside, rural setting is likely to intensify both noise and lighting pressures, yet the application contains no robust or enforceable mitigation package, such as a management plan, external lighting controls, enforceable quiet hours, bin storage arrangements, or arrival and parking protocols.

In the absence of accurate plans and effective mitigation, the proposal would be likely to cause unacceptable harm to neighbouring amenity through intensified activity, noise and light impacts, and a material loss of privacy and sense of security, particularly in relation to No. 68 Jersey Hill due to the upper floor window and its direct outlook.

Highways:

The application contends that the drive “can easily accommodate three vehicles”, that parking meets the relevant minimum standards and that the access benefits from good visibility. It further refers to “significant off-road parking” and implies that, because the unit would be occupied by two adults, only one vehicle is likely to be associated with the use.

From local observation and publicly available imagery, the practicality of the arrangement shown on the submitted plan is disputed. In particular, it is not accepted that three vehicles can be accommodated in the manner claimed while also maintaining safe and convenient access through the gates, adequate manoeuvring space, and an arrangement that functions consistently in day-to-day use. The drawings present a theoretical capacity rather than a parking layout that demonstrably works in practice, including during changeover periods, at night and in poor weather.

Critically, the site appears to have no meaningful on-site turning area. In the absence of a turning head, vehicles would be likely to enter and leave in a manner that necessitates reversing manoeuvres either onto the lane or off the lane into the site. Reversing movements to or from the highway are inherently less safe than forward gear movements, and the risk is heightened on a narrow rural route where there may be limited passing opportunities, constrained visibility and potentially high speeds. This is particularly problematic in the context of short-stay visitor accommodation, where drivers are more likely to be unfamiliar with the access arrangement and may arrive or depart at unsociable or less predictable times.

If on-site parking and turning cannot be achieved as claimed, displacement parking on the lane becomes more likely. Any overspill parking would increase the risk of obstruction on a single-track route, reducing passing places and compounding the safety issues associated with reversing manoeuvres. It could also impede service and emergency access, and create conflict with neighbouring residents and other users of the lane.

In policy terms, Core Policies 60 to 64 seek to ensure that development is served by safe access and does not result in unacceptable transport impacts, including impacts arising from parking and the functioning of the local network. National policy similarly requires development to provide safe and suitable access and makes clear that refusal is justified where highway safety impacts are unacceptable or where the residual cumulative impacts would be severe.

Against that framework, the proposed change to short-stay visitor accommodation is likely to intensify vehicle activity along a single-track lane, with arrivals and departures occurring at less predictable times and with drivers unfamiliar with the area. In the absence of a credible, evidence-based demonstration that vehicles can enter, turn and leave the site safely in forward gear, and that the parking arrangement functions without overspill or obstruction on the lane, the proposal fails to provide confidence that highway safety and the convenience of other road users would be protected.

Conclusion

The application seeks to recast an approved incidental garage and store as if it were always intended to be ancillary accommodation, and then to introduce an additional commercial use through short-term holiday letting. This represents a material escalation in both planning terms and in likely day-to-day effects, particularly given the backland siting and the sensitive relationship with neighbouring rear gardens and habitable rooms.

The proposal fails to demonstrate that it meets the restrictive policy tests that apply to visitor accommodation in countryside locations. In particular, it does not pass the “exceptional case” gateway under CP39, with no convincing evidence of a genuine conjunction with a specific countryside attraction, no credible assessment of alternative sites or buildings, and no robust demonstration that the use would be compatible with its setting or that access, infrastructure and service accessibility are adequate. CP40 does not provide a standalone justification where the scheme is likely to be car-led and risks unacceptable traffic generation, and CP48’s safeguards are not satisfied in respect of amenity, access and sustainability. The site’s reliance on an unlit single-track lane, limited opportunities for walking and cycling, and weak public transport connectivity strongly indicate that visitor use would intensify car movements and associated disturbance in a location poorly suited to such change.

In amenity terms, a short-stay commercial use would introduce a markedly different pattern of occupation, including irregular arrivals and departures, changeovers, servicing, refuse and external activity. Those impacts would be felt most acutely in the immediate rear-garden context. The presence of an upper-floor window with direct outlook towards No. 68’s private garden and rear-facing rooms materially aggravates the harm and, critically, its omission from the submitted floor plans prevents a proper and reliable privacy assessment. In highways terms, the claimed parking capacity and manoeuvring arrangements are not convincingly evidenced, and the lack of turning provision creates a realistic risk of reversing to and from the lane and overspill parking, with consequent safety and obstruction concerns that are heightened where users are unfamiliar with the access and operate at unpredictable times.

For these reasons, the proposal conflicts with the settlement strategy and with the requirements of CP39, CP40 and CP48, and would also be contrary to CP57 and the NPPF objective of securing a high standard of amenity. The Council is therefore respectfully requested to refuse planning permission.