

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION

OFFICER DELEGATED REPORT

APPLICATION REFERENCE:	PL/2025/09531
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	Chalcourt, Dark Lane, Malmesbury, SN16 0BB
DEVELOPMENT DESCRIPTION:	Installation of an Air Source Heat Pump
RECOMMENDATION:	That planning permission be GRANTED

PROPOSAL

The description of development was amended for reasons of precision on 7 January 2025. The proposal seeks planning permission for the installation of an Air Source Heat Pump (ASHP) to the east-facing elevation of the dwellinghouse. The unit is a 'Cosy 9' and the application is supported by a MCS020(a) noise assessment.

SITE DESCRIPTION

The application site is a detached two-storey dwelling known as Chalcourt. It has walls of reconstituted stone, a stone slate roof, uPVC fenestration, and it occupies an irregularly shaped plot positioned atop an embankment with drystone retaining walls creating meandering driveways. Its setting is characterised by the dramatic level changes, vernacular architecture, foliage and meandering routes of the surrounding street scene. It is in the settlement boundary of Malmesbury. Relevant designations and constraints include Malmesbury Conservation Area, nearby listed buildings (Grade II) and the Cotswold AONB (adjacent).

PLANNING HISTORY

It is noted that permitted development rights have been restricted by condition under ref. N/92/01734/OL. No planning history has otherwise been found to affect consideration of the application.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy (WCS):

- Core Policy 51: Landscape (CP51)
- Core Policy 57 Ensuring High Quality Design and Place Shaping (CP57)
- Core Policy 58: Ensuring the Conservation of the Historic Environment (CP58)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

Malmesbury Neighbourhood Plan: Made 2015 (MNP)

- Volume I - Main Body: Policy 13
- Volume II – Design Guide

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Malmesbury Conservation Area Appraisal: April 2007

Malmesbury Conservation Area Management Plan: February 2010

Historic England Guidance:

- Managing Significance in Decision-Taking in the Historic Environment. Historic Environment Good Practice Advice in Planning: 2 (GPA2)
- The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) (GPA3)
- Making Changes to Heritage Assets. Historic England Advice Note 2. (HEAN2)

CONSULTATION RESPONSES

The following consultees and interested parties were invited to comment on the application:

Malmesbury Town Council – No objection (17/12/2025).

Wiltshire Council's Public Protection Team – No objection as the noise assessment submitted demonstrates that the noise level at the nearest residential window will be acceptable (17/12/2025).

Historic England – No response received at time of case officer recommendation.

REPRESENTATIONS

Immediate neighbouring dwellings were notified of the application. A site notice was displayed on 15 December 2025.

No letters of representation were made by members of the public.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications be made in accordance with the development plan unless material considerations indicate otherwise.

Design and local character and appearance

CP57 and CP58 together seek to ensure all new development, including extensions and alterations to existing buildings, meet a high standard of design that contributes to the character of Wiltshire by, amongst other things, responding positively to the features of the site and character of its landscape or townscape setting, the value of the historic environment and by being sympathetic to and conserving heritage assets in a manner appropriate to their significance.

Policy 13 of the Malmesbury Neighbourhood Plan advises that the accompanying design guide (Volume II) should be taken into consideration to ensure all new development

achieves a high quality of design that complements and enhances the character, form and qualities of the town.

The site is in Malmesbury Conservation Area, the character and appearance of which can partly be discerned from its protected buildings and features, its archaeology, its open spaces and historic routes, and its significant foliage. It is desirable to preserve or enhance its character or appearance, to which it is a duty to pay special attention under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application site occupies a prominent position within the street scene due to the local topography, but its lower half enjoys screening from street level and from the abundance of foliage. The ASHP is sited so as to minimise its visual impact on the external appearance of the dwelling, and in turn it would not impact on the street scene. Furthermore, its aural effects would be low and not adversely affect the experiential character of the area.

Subject to such conditions as are necessary to define the terms of the permission, it is considered to have acceptable effects and to preserve the character and appearance of the MCA. Furthermore, due primarily to its scale and siting, it would not adversely affect the setting of the AONB or nearby listed buildings. It would satisfy the expectations of adopted design guidance and the aims of CP57 of the Wiltshire Core Strategy, which seeks to ensure new development achieves a high standard of design and contributes positively to the character of Wiltshire.

Residential amenity

CP57 (vii) seeks to ensure that the design of new development has regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and that appropriate levels of amenity are achievable within the development itself.

Appendix D of the Wiltshire Design Guide expects a well-designed householder development to respect neighbouring properties by advising, amongst other things, that they should not be unduly overbearing or unduly obtrusive, and that windows should not directly overlook neighbouring properties.

The closest neighbouring dwellings to the application site are The Pines, The Tanyard (1 Dark Lane), and dwellings at 74 Bristol Street. No letters of representation were made by members of the public that comment on matters of residential amenity.

The proposed ASHP is positioned close to the host dwelling and positioned at ground level. The application is supported by the appropriate noise assessment and the Council's Public Protection team raise no objection as the noise level would be acceptable.

The amenity enjoyed by the occupiers of neighbouring land would be safeguarded, thereby also satisfying the expectations of adopted design guidance and the requirements of CP57 (vii) of the Wiltshire Core Strategy.

Biodiversity Net Gain

The proposal was validated as a householder planning application and is therefore understood to be exempt from the requirement to deliver 10% Biodiversity Net Gain (BNG) introduced by

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). An Informative is to be added reminding the applicant of the BNG requirements.

PLANNING BALANCE AND CONCLUSION

The development proposal is judged on its merits as having acceptable effects in respect of relevant matters and the objects of acknowledged importance to the public interest, subject to such conditions as meet the tests. It is not found to conflict with the statutory requirements or the provisions of the development plan, and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. The proposal should therefore be supported.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan. Received 4 December 2025.

Proposed Site Plan. Drawing No: 04. Received 4 December 2025.

Proposed South and East Elevations. Drawing No: 05. Received 4 December 2025.

Proposed North and West Elevations. Drawing No: 06. Received 4 December 2025.

Pump Unit Operational Clearances And Data Sheet. Received 4 December 2025.

Noise impact assessment. Received 4 December 2025.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The air source heat pump(s) hereby approved shall be installed, operated and maintained in full accordance with the submitted acoustic assessment and mitigation measures, which demonstrate that the sound rating level from the air source heat pump(s) will not exceed 25.1dB LAeq at any noise-sensitive façade of neighbouring residential premises.

The approved mitigation measures shall be fully implemented prior to the first use of the air source heat pump(s) and shall thereafter be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in unacceptable noise impacts and to protect the residential amenity of neighbouring dwellings.

