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Planning Appeals
Wiltshire Council
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Your Ref: PL/2023/05464
Our Ref: APP/Y3940/W/25/3371330

22 January 2026

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mrs Noy
Site Address: Ruby Cottage, The Street, Alderton, CHIPPENHAM, SN14 6NL

Outcome

I enclose a copy of our Inspector's decision on the above appeal(s).

Thank you for your cooperation and patience while we reviewed your case and all relevant documentation.

What Next?

Please note that the Planning Inspectorate cannot change or revoke the outcome of the attached decision as only the High Court can quash this decision. The Planning Inspectorate is not the administrative body for High Court challenges. If you would like more information on the strictly enforced deadline for challenging a decision or a copy of the form for lodging a challenge, please get in touch with the administrative court on 02079476655.

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If you have any questions about how we handled the appeal(s), please use our customer contact form / https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new , or call us on 0303 444 5000. Our customer service phone line is open between 09:00 and 16:00, Monday through Friday (closed on weekends and public holidays).

If you do not have Internet access, please write to the customer quality team at the address above.

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We are committed to improving the quality of our service and experience for our customers.

Please take a few minutes to give your feedback via the short survey. As stated in our customer charter, we will learn from our mistakes and work to improve how we do things.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Joanna Carter
Joanna Carter

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Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/Y3940/W/25/3371330
Ruby Cottage, The Street, Alderton, Wiltshire SN14 6NL

- 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 Mrs Noy against the decision of Wiltshire Council.
- The application Ref is PL/2023/05464.
- The development proposed is the change of use of annexe to a self-contained dwelling. Erection of fence.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form refers to 'Retrospective'. However, as the term 'retrospective' is not a description of development, I have omitted it from the description in the header.

3. The change of use of the annexe ancillary to the main dwelling to form a separate self-contained residential dwelling has been carried out. Therefore, the application is submitted retrospectively for development already enacted, and I have determined the appeal on that basis. However, the 1.8m close boarded fence, denoted on the drawings to be erected on the appeal site's southern boundary, had not been erected as described. For the sake of certainty, I have determined the appeal on the basis of the submitted plans.

4. The appeal site is proximate to several Listed Buildings and is situated within the Alderton Conservation Area (CA). I am mindful of the statutory duties placed on decision-makers by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to have special regard to the desirability of preserving listed buildings or their settings, and to preserve or enhance the character or appearance of conservation areas respectively.

Main Issues

5. The main issues are, i) the effect of the appeal development on the character and appearance of the surrounding area, including heritage assets, and ii) whether the appeal development provides acceptable living conditions for occupants and neighbouring occupants with regard to privacy, and neighbouring occupants with regard to outlook; and iii) whether the appeal development provides acceptable living conditions for occupants with particular regard to internal and external space.

Reasons

Character and Appearance of the Area including the CA and Listed Buildings

6. The appeal development has involved the change of use of an existing residential annexe ancillary to the main dwelling, to a self-contained dwelling. The development has created a two-storey dwelling within the envelope of an existing outbuilding to the rear of, and north-east of the host dwelling, Ruby Cottage. Other than the erection of the 1.8m high close boarded fence to the south of the outbuilding, to separate the two properties, there are no changes to the external appearance of the building.

7. The development is located at the mid-point of 'The Street', the main road running through the historic core of the hamlet, all the buildings of which, are almost entirely contained within the boundary of the Alderton Conservation Area (CA). This covers a wide area, including the green open spaces in and around the built form of the hamlets' dwellings, farms and community buildings.

8. Insofar as it relates to this appeal, the CA at this location derives its significance, from the concentration of historic buildings, several of which are listed buildings, together with the stone boundary walls and the presence of mature trees, topiary and shrub landscape features. Whilst development is quite dense, gaps between buildings are important, such as the open field immediately north of the appeal site, which affords open views out of the village, to a backdrop of woodland and farm buildings. This contributes to a green setting that enhances the built form. At my visit it was apparent that a public footpath runs from The Street through this open field, running past the woodland and Hughes Farm, another Grade II listed building, situated to the east of the appeal development.

9. Whilst the appeal development has not changed the external appearance of the outbuilding itself, the change of use to a separate residential dwelling unit, has had the effect of intensification of use, with the potential for increased domestic paraphernalia associated with the new dwelling alongside that of the host dwelling. The erection of the 1.8metre high close boarded fence if constructed as proposed, would introduce an element which would be seen within views of the appeal site from the surrounding CA. This is an element that the Council accept could be executed under permitted development (PD) rights by the appellants at any time.

10. There is also the potential for additional vehicles parked in front of the appeal outbuilding resulting from the intensification of use. However, there are no controls on the number of vehicles that a property can park on its driveway, and at my visit it was clear that the appeal property and host dwelling, had a significant area of hardstanding available for vehicle parking. Whilst the additional parking, fence and domestic paraphernalia may be visible from the public realm within the CA and the public footpath crossing the field to the north, this is not distinguishable from that which may be experienced for the host dwelling, which to all intents and purposes, it would still appear as being related to.

11. The Council contend that the location of the development, close to the rear of the host dwelling, creates an incongruous and unsympathetic planning unit at odds with the surrounding layout of dwellings and grain of development. Were the proposal for a new-build dwelling, of a conventional design, which had the obvious appearance of a separate dwelling, and sited in the location of the existing outbuilding, I would agree.

12. However, the development is formed by the change of use of an existing building which was already in ancillary residential use to the main dwelling, it has not visually changed its external appearance. The existing building, because of its design, presents the outward visual appearance of a garage outbuilding. Even though its use has changed to that of a separate residential planning unit, it presents little visual evidence of that change to the surrounding area.

13. For the above reasons, having regard to my duty under section 72(1) of the Act, I conclude that the appeal development preserves the character or appearance of the CA, it does not, therefore, harm the way in which the CA, as a designated heritage asset, is experienced.

14. The proposal is also situated within proximity to three Grade II listed buildings, which, insofar as they relate to this appeal, derive their significance, from the combination of their age, architectural detail and their historical and social contribution to the surrounding area. Many have been, or are thought to have been, designed by J Thomson for J. Neeld of Grittleton, in his 1845 designs for Alderton. These are:

    'The Old Schoolhouse', a mid-C19 stone-built former schoolroom, by J Thomson, with stone slate roof and three stage pyramid roofed south entrance tower incorporating medieval double-ogee moulded pointed doorway and with C15 plank door. 'The Old Bakehouse', a mid-C19 stone-built house possibly by J Thomson, of squared rubble stone with slate hipped eaves roof and centre stack, mullioned windows and depressed-arched flush porch to each side. 'Yew Tree Cottage and New Farm Cottages', a pair of mid-C19 stone-built cottages possibly by J Thomson, of squared rubble stone with slate hipped eaves roof and centre ridge stack. Two-storeys with two-light mullion windows and canted ashlar bays with stone slate roofs.

15. Having regard to my duty under section 66(1) of the Act, and the relevant heritage asset policies in the Framework, based on the evidence before me, my observations on site, and for the reasons highlighted above, I find the appeal development does not affect the way in which the significance of the Grade II 'The Old Schoolhouse', 'The Old Bakehouse' and 'Yew Tree Cottage and New Farm Cottages' is experienced. As such their settings have been preserved.

16. Taking all the above into account, I conclude that the development has an acceptable effect on the character and appearance of the surrounding area, including heritage assets.

17. Consequently, it accords with Core Policy 57 paragraphs i, iii, iv and vi and Core Policy 58 of the Wiltshire Core Strategy 2015 (the Core Strategy), which require, among other things, development to have a high standard of design which enhances local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development.

Living Conditions –Privacy and Outlook

18. The building is a two-storey, gabled and pitched roof structure. Much of the accommodation is in the upper level and is within the sloping roof space. The building sits to the rear of, and partly behind the host dwelling, with little more than 7m between the closest parts of the host dwellings' rear offshoot extension and the

building, which also sits in an elevated position to that of the main dwelling. However, due to the upper floor of accommodation being within the roof space, the height of the building is restricted, such that it does not create an overbearing appearance when viewed from the host dwelling and its external spaces.

19. At ground floor level, the building has two windows and a door in its south-western elevation facing the garden of Ruby Cottage. At first floor, two roof windows are present on the south-west roof slope. The south-western elevation of the outbuilding sits at right angles to the rear gable of the rear offshoot of Ruby Cottage. There are two windows in the latter at first floor level and a window and bi-fold doors at ground floor, opening onto a patio and the garden beyond. The outbuilding and host dwelling therefore both overlook the garden and each other in close proximity.

20. This close relationship is acceptable with the building in ancillary use to the main dwelling, as occupiers of the building are likely to be closely related to, or at least well known to, the occupiers of the main dwelling, and may possibly only be occupied for limited timescales. However, with the building as a separate residential planning unit, in permanent use by people unknown to the host dwelling, an entirely different criteria for assessment of the relationship between the dwellings is required.

21. The erection of a continuous 1.8m high close boarded fence as proposed on the drawing, to the full length of the boundary between the properties, would provide adequate separation and privacy at ground level for occupants of the two dwellings.

22. At my visit I examined the internal layout of the building. The ground floor provided a separate shower & WC room, together with a kitchen dining area. The kitchen, whilst small, appeared to have all facilities necessary to support independent residential use. Whilst there is a garage/store identified on the plan, it appeared to be in use associated with the host dwelling. The upper floor area described on the plans as office space, was in use as a living room. The area denoted as living room/bedroom on the plan was in use as a bedroom with a double bed.

23. The appellant has stated that the roof windows are situated high in the roof slope and therefore maintain privacy between the properties. However, at my visit I observed this not to be the case. The bottom of the roof windows was at low level, such that standing by the windows, I was able to view most of the garden and patio areas of Ruby Cottage, even over the section of 1.8metre high fence that has been erected. I was also able to clearly see into the windows and patio doors of the host dwelling, at both ground and first floor level, such that its occupants have little to no privacy, with a likely similar situation for occupants of the building from occupants of Ruby Cottage. The separation distance between the respective window openings, is such that it would not maintain acceptable levels of privacy between neighbouring occupants.

24. The roof windows are the only means of providing natural ventilation for occupants of the upper floor of the building, which is a necessity during warmer weather, due to the effect of solar heating of roof space accommodation. The presence of open windows would likely lead to further issues of privacy between occupants of the building and users of the adjacent garden and patio areas of Ruby Cottage, resulting from overheard conversations due to the close relationship of the building alongside the host dwelling's private external spaces.

25. I have taken account of paragraph 135(f) of the Framework, which requires development to provide a high standard of amenity for existing and future users. My findings above indicate that the development would not do so, due to a lack of privacy.

26. For the above reasons, I conclude that whilst the development does not harm the outlook of neighbouring occupants, it harms the living conditions of occupants and neighbouring occupants with regard to privacy.

27. Consequently, the development conflicts with Core Policy 57 paragraph vii of the Core Strategy, which, among other things, seeks to secure appropriate levels of amenity.

Living Conditions – Internal and External Space

28. The Council have referenced the Technical Housing Standards – Nationally Described Space Standard (NDSS) in their delegated report, noting the NDSS recommendations for a gross internal floor area of 58 sq.m. for a two storey, two-person dwelling. They further note the appeal development to have a gross internal area (GIA), excluding the garage, of 48 sq.m. The appellant disputes the application of the NDSS as it is not cited within the adopted Wiltshire Core Strategy. However, the Council have adopted a Wiltshire Design Guide - Supplementary Planning Document 2024 (the SPD). This latter document does reference the NDSS, and whilst it is a guidance document, it assists in the application of Core Policy 57, which, as noted above, seeks to secure development that provides appropriate levels of amenity.

29. The appellant considers that the garage should be included in the floor area of the dwelling, which at 60 sq.m. would exceed the NDSS requirement. The appellant further considers that if the garage is excluded, the outbuilding floor area at 48 sq.m. would still comply with the requirements of the NDSS for a one-bedroom one-person dwelling.

30. The evidence does not identify whether the figures quoted by the parties are measured from the submitted plan drawings or are based on CIL/NDSS compliant GIA measurements of floor area. At my visit, it was clear that the useable floor area of the first-floor rooms, was exceedingly restricted by the sloping ceilings due to the accommodation being in the roof space. The CIL/NDSS regulations define that any areas where the height of the room is below 1.5metres, should be excluded from the GIA calculation. This height roughly accords with the average person's shoulder/head height. Certainly, at my visit, the area of the first floor that was accessible without clashing with the roof slope was restricted to around a third of the first-floor plan area identified on the drawing. If the CIL/NDSS compliant measurement of GIA was applied, the floor area of the development would fall short of the space requirements of the NDSS for permanent occupation even by a single person.

31. The appeal development's accommodation would be acceptable for short-term occupation, by guests visiting the main dwelling, or by a dependent relative who may spend part of their time with the family within the main dwelling, as may be expected in ancillary use. However, I find that the permanent occupation of the space as a separate residential dwelling, would not provide its occupants with acceptable long-term living conditions, due to the restricted floor area and restricted ceiling heights at first floor, which provide the living and sleeping accommodation.

32. The external space associated with the appeal development, at around 43 sq.m. is not compliant with the guidance set out in the SPD, which requires a space equivalent to the building footprint or at least 50 sq.m. Its minimum dimensions also do not comply with the recommendation of the SPD for east facing garden space. However, whilst the area and dimensional proportion does not meet the SPD requirement, I find that due to the low-level boundary wall, which provides the occupants with open views into wider surrounding countryside, the external space would be proportionate to the size of dwelling and would provide its occupants with access to an acceptable level of external amenity space, which would have adequate privacy as a result of the 1.8m high timber fence, and its location at the eastern end of the building.

33. Consequently, I conclude that the development provides unacceptable living conditions for occupants with particular regard to internal space. The development therefore conflicts with Core Policy 57 paragraph vii of the Core Strategy, which requires, among other things, development to ensure that appropriate levels of amenity are achievable within the development itself.

Other Matters

34. The appeal site is located within the southern section of the Cotswolds National Landscape (CNL), an area designated for its landscape and scenic beauty. It is an area defined as being within the Dip-Slope Lowland, characterised by its broad area of gently sloping, undulating lowland with a predominantly south-easterly fall. An area which represents a transition between the landscapes of the High-Wold Dip-Slope to the north and west, and the low-lying landscapes in the Thames basin to the south and east.

35. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty placed on relevant authorities required by the Countryside and Right of Way Act 2000 (CRoW Act), requiring decision makers to ‘seek to further’ the statutory purposes of protected landscapes, of which the CNL is one. This is reflected in the Framework, paragraph 189 of which requires ‘Great Weight’ to be given to conserving and enhancing landscape and scenic beauty.

36. The appeal site is located in the central section of the hamlet of Alderton, within a significant group of other residential dwellings, which have woodland and hedges to their periphery. This screens the hamlet and appeal site from wider landscape views. The appeal scheme does not otherwise alter the external appearance of the building. Development would not, therefore, have any effect on the CNL.

Planning Balance

37. The Council have confirmed that it can demonstrate a 5-year housing land supply figure of 2.42 years. The appellant claims that this figure should be 2.03 years. Notwithstanding the difference in the figures, they are both significantly below the 5 years required by the Framework. Accordingly, paragraph 11(d) of the Framework is engaged for decision making purposes.

38. I have found the appeal development would preserve the significance and setting of the proximate listed buildings. I have also found that it would preserve the character or appearance of the CA and would not harm the way in which the CA, as a designated heritage asset, is experienced. It would, therefore, accord with the

development plan in these regards, though this would carry neutral weight in its favour.

39. I have also found that the appeal development would not have a detrimental effect on the scenic beauty of the Cotswold National Landscape. This also attracts neutral weight in its favour.

40. The Local Plan is more than five years old. However, the policies within the Local Plan, with which the development conflicts, generally accord with those of the Framework. Therefore, the policy conflicts I have found attracts substantial weight against the scheme in this case. Among other things, paragraph 135 of the Framework confirms that decisions should ensure that developments provide a high standard of amenity for existing and future users.

41. The appeal development provides an additional dwelling within the context of a significant shortfall. However, as the development is only a single dwelling, I attach only moderate weight to this. As the development is already in place it would not provide any local economic benefit during the construction phase, but in the longer-term, future occupiers may support local businesses and services within the area, but again, given the size of the development this would attract only moderate weight.

42. As set out above, collectively, the benefits attract moderate weight in the planning balance. However, I have found that there would be permanent harm caused to the living conditions of occupiers of neighbouring properties, and for future occupiers of the appeal development through overlooking and poor living conditions for future occupiers because of inadequate living space. These attract substantial weight in the planning balance.

43. Consequently, I find that the adverse impacts of approving the development, would significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies in the Framework taken as a whole. This finding weighs heavily against the appeal development.

Conclusion

44. For the reasons set out above, I conclude that the proposal is contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that justify determining other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR