

**PROPOSED CONVERSION OF OUTBUILDING TO ANCILLARY
ACCOMMODATION AT HAZEL HEATH, GARSDON, SN16 9NW**

PLANNING STATEMENT



Prepared by

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Our Reference: LPC6276

January 2026

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1.0 INTRODUCTION & BACKGROUND

- 1.1 This Statement has been prepared to accompany an application to convert the existing outbuilding at Hazel Heath, Garsdon into additional accommodation ancillary to the existing dwelling. Specifically, the building will be converted from the existing home office/workshop/storage building into accommodation where family members can stay, namely the brother/brother-in-law of the applicant, who requires support due to existing health conditions. The existing outbuilding has become surplus to the applicant's requirements and the proposed conversion will be much more beneficial to their (and their family members') needs.
- 1.2 We note that an application for the same development was approved just down the road from the subject property at a dwelling called 'Rosebank' at Brickyard Hill (ref: PL/2022/09435, granted April 2023) which LPC (Trull) Ltd also managed. The principle of this application is very similar.
- 1.3 From consideration of the similar applications and discussions with the owners/applicants, it appeared possible to apply for a Certificate of Lawful Proposed Use or Development (CLOPUD) as there would be no change proposed for the planning unit and there are similarities between this case and the one that was the subject of the *Uttlesford DC v SSE & R J White 1992* case, where it was held that a mother living in a self-contained unit of accommodation formed from a garage did not require planning permission as a separate planning unit had not been created and there had not been a material change of use. This judgement went even further and asked why shouldn't the relative be able to have all the facilities necessary to support a reasonable standard of living in such circumstances. Instead of a garage, this case involves the change from an outbuilding which serves as a home office/workshop/storage building (granted permission in 2018 through application ref: 18/08393/FUL), which is clearly incidental to the enjoyment of the residential occupancy of Hazel Heath, to additional residential accommodation where relatives

will be able to stay. Notwithstanding the above, the applicant has instructed this practice to submit an application.

- 1.4 The principle of providing and extending facilities in association with residential accommodation is acceptable and in accordance with Policies CP1, CP2 and CP57 of the Wiltshire Core Strategy, subject to a site-specific assessment, related policy consideration and compliance with other policies contained within the development plan and the saved policies of the North Wiltshire Local Plan.
- 1.5 I set out below the information that needs to be provided for a positive determination to be reached, as follows:
 1. *Does the proposed development have all the facilities required for independent living – a separate unit of accommodation* – the drawings show the proposed internal layout that is anticipated. It has a kitchen and all the facilities that the judge in the Uttlesford case thought were appropriate for a relative. The applicants have no desire or interest in creating a separate unit of accommodation on the site, quite the opposite in fact.
 2. *Does the site and proposed layout lean itself to subdivision – separate and independent planning units* – the site and the proposed layout does not lend itself to subdivision. Inspection of the site reveals that all the fenestration of the proposed accommodation overlooks the garden, driveway and parking area of Hazel Heath and vice versa and there is not a good layout arrangement to facilitate independent occupancy. The building is clearly within the curtilage of Hazel Heath, is easily accessible from the host building and provides inter-relationship connectivity for the proposed type of occupancy. The close proximity of the building to the house, their orientation, and the site layout would not be appropriate as a separate dwelling unit.
 3. *Is the site in a location where new residential development is not generally supported, subject to limited exceptions* – it is agreed that in planning terms the site is located within the open countryside

where new residential development is not usually permitted. However, there are exceptions to this. National Planning Policy, for example that contained in the NPPF, is permissive of the conversion of disused farm buildings to dwellings. This proposal is not for a new dwelling but for additional accommodation for relatives who need an element of care, within an existing building that is used for purposes incidental to the enjoyment of the dwellinghouse. As has been confirmed in multiple similar cases with the Council, the principle of providing facilities in association with existing residential accommodation is considered acceptable.

4. *The proposed accommodation is of a scale and nature appropriate to the proposed use* - There is an open plan kitchen/dining/living area, together with a bedroom and bathroom typical of such accommodation. Having an element of independency is wholly in accord with Core Policy 46 of the Core Strategy, which I shall refer to in the following section.

2.0 PLANNING POLICY CONTEXT

- 2.1 Policies contained within the Wiltshire Core Strategy confirm that the principle of the proposed development is considered acceptable and in accordance with Policies CP1, CP2 and CP57, subject to site specific assessment and related policy considerations. There is no dispute that the site is not within a defined settlement, and in planning policy terms, is in open countryside. However, in such locations, the conversion of outbuildings within a residential curtilage to accommodation associated with an existing dwelling is usually permitted subject to a condition controlling the occupancy to be ancillary to the main dwelling.
- 2.2 Policy 46 of the Core Strategy refers specifically to the needs of vulnerable and older people and says that provision should be made in suitable locations. It adds that ‘wherever practical, accommodation should seek to deliver and promote independent living.’
- 2.3 Whilst this policy may be aimed at nursing homes, care homes and extra care facilities, it recognises the part to be played by enabling people to

live securely and independently within their communities. In this instance, the proposed occupants will be in close proximity to their sister & brother in law who will be able to assist them when necessary but enable them to benefit from semi-independent living. They will not have to negotiate stairs and will be able to take meals whenever they wish.

2.4 CP57 requires a high standard of design in all new developments, including alterations to existing buildings. There were no objections to the design approach adopted by the architect when the subject outbuilding was granted planning permission, and the minor proposed alterations to the south elevation of the building to facilitate the proposed change of use remains equally high quality and in keeping.

2.5 The Planning Practice Guidance contains a section on why conditions are imposed and says that such an approach can enable development to proceed where it otherwise would have been necessary to refuse planning permission, by mitigating the adverse effects. The guidance refers to the NPPF and the 6 tests set out by the Courts and the imposition of a condition such as the one below, based on that used by the Council elsewhere, would meet all these tests. It is relatively straightforward to check whether the condition is breached, added to which this application is made as a householder application, rather than for full planning permission. A suggested condition that would meet the tests and provide the Council with the requisite assurance is as follows:

‘The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling Hazel Heath, Garsdon, SN16 9NW and it shall remain within the same planning unit as the main dwelling.’

The reason for the above condition would be that the additional accommodation is sited in a position where the Local Planning Authority would not permit a wholly separate dwelling.

3.3 The applicant has provided the reasons for the proposed accommodation, being to accommodate their relative. They will be given an element of independence but will be close to their sister/brother in law

in case of any emergency developing. Any other family members or friends who may be visiting could also stay in the accommodation.

4.0 CONCLUSIONS

- 4.1 In view of the above and accompanying information regarding the occupancy of the building, the proposal would not be contrary to the Core Policies of the Wiltshire Core Strategy. Rather, the principle of providing extended facilities in association with existing residential accommodation is considered acceptable and in accordance with the Core Strategy. In such circumstances the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.