



LP PLANNING
CHARTERED PLANNING & DEVELOPMENT CONSULTANT



PLANNING STATEMENT

Retrospective change of use of paddock to garden and
construction of annexe

Address: 3 The Barton, Kington Langley, Wiltshire, SN15 5PF

Applicant: Mr & Mrs Holbrook

Date: February 2026

LP Planning, 31 Market Place, Chippenham, SN15 3HZ

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1 Introduction

- 1.1 LP Planning Consultants have been instructed by Mr and Mrs Holbrook (the Applicants) to prepare and submit this full planning application for the change of use from paddock to garden and the erection of a detached annexe (retrospective) at 3 The Barton, Kington Langley, Wiltshire, SN15 5PF.
- 1.2 The proposed development is not “major” within the terms of Article 2 of the Town and Country Planning [Development Management Procedure (England) Order 2015] but does lie within the Kington Langley Conservation Area. This statement sets out in full the planning issues in support of the application.

2. Description of Site and Context

- 2.1 The application site is located within the village of Kington Langley. The site is within the designated Conservation Area and 3 The Barton itself is connected to properties 1 and 2 The Barton which are Grade II Listed. The site’s location is identified in red on the plan extract below.

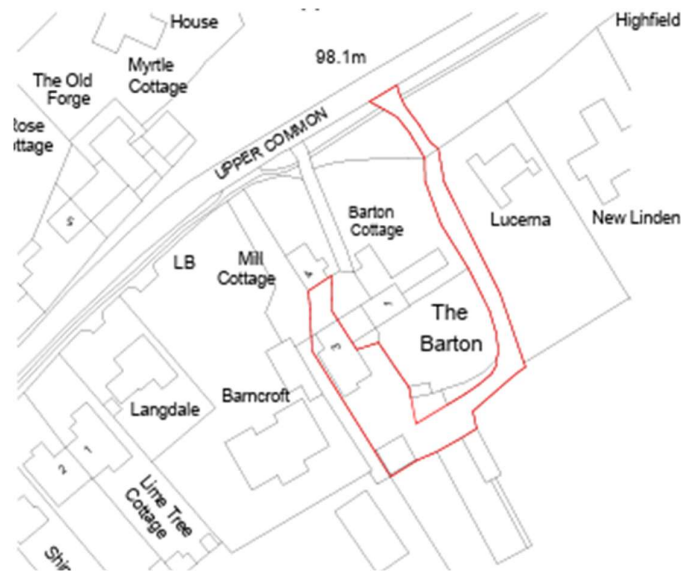


Figure 1: Extract of Location Plan

- 2.2 The photographs below show the annexe building that has been constructed along with the existing shared access track which leads to Upper Common.



Figure 2: Annexe subject of this retrospective application and site access track

3. Planning History

3.1 The table below summarises the planning history available on Wiltshire Council’s website:

Application No.	Description	Decision
19/03674/FUL	Alterations and extension to existing dwelling. Addition of a detached double garage.	Approved in 2019.

3.2 The approved planning application is particularly relevant as it approved an outbuilding in a very similar location to where the annexe that has been built. In fact, the building was first built as a garage but has since been converted to an annexe due to family circumstances detailed at paragraph 5.3.

3.3 The main difference with this application is the siting of the building is in a slightly different location from its approved position, although it is contended there is no harm arising from this new alternative position. The plan below shows this difference with the grey outline showing what has been built and the approved building being shown with dashed lines.

3.4 The Applicant acquired a small strip of land from the neighbour’s paddock in August 2023. The building was built in a different position to what was approved. is why retrospective consent is sought to change a small area of paddock to curtilage.

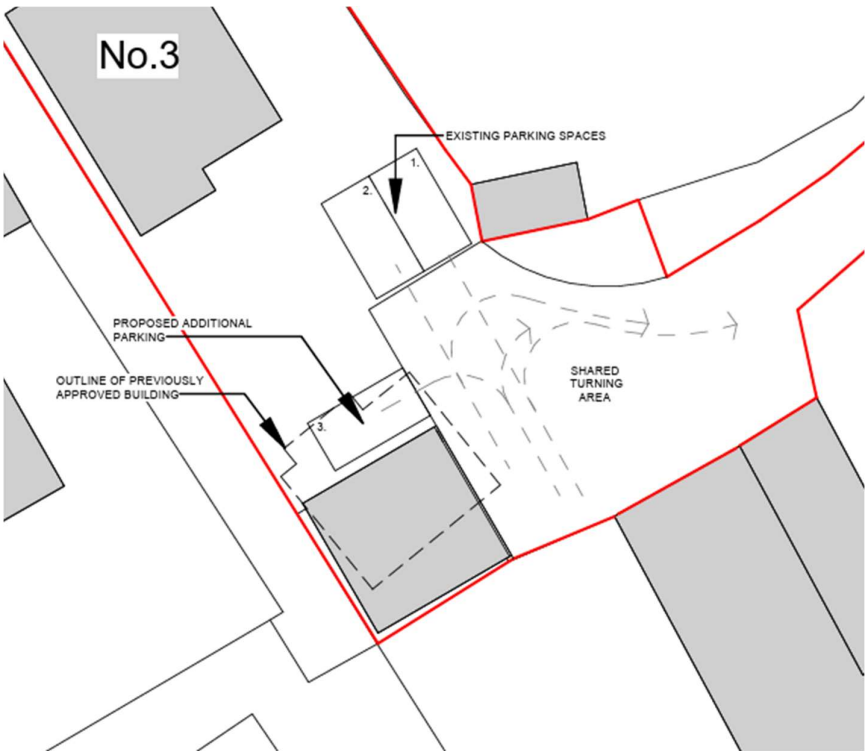


Figure 3: Block plan showing location of previously approved building and existing building for which retrospective permission is sought

4. Description of Development

4.1 The description of development for this application is as follows:

“Change of use of part of a paddock to garden and the erection of an annexe (retrospective)”.

4.2 As mentioned, permission has previously been granted for a detached garage (with storage room above) at 3 The Barton, in a similar location (although it was within existing curtilage). This application is similar overall in terms of the building’s size and dimensions and seeks to rectify the discrepancy with the extent of curtilage that is now on site. As a result, 22 sqm of paddock has been included as part of the existing curtilage of 3 The Barton.

4.3 The only physical differences between the appearance of the approved garage and the annexe that retrospective consent is sought for are the omission of the external staircase and regularising of the fenestration arrangements. The exact details of which are set out at paragraph 7.11.

4.4 The access arrangements remain the same and parking (and turning) for 3 off street car parking spaces is identified on the site plan.

5. Background Purpose of the Application

5.1 The Applicants (Mr and Mrs Holbrook) has lived at 3 The Barton since August 2018.

5.2 The garage, albeit built in a different position to approved, was constructed during 2020 at the same time as the house extension and was originally used as a garage in 2021.

5.3 Although the annexe is currently empty it was occupied from September 2023 to May 2025 by Ms Holbrook’s mother who sadly suffered a stroke whilst living in Harrogate. With no one else available to care for her in the local area, the garage was converted as a matter of urgency as she needed daily support.

5.4 Although the annexe is now vacant, there is no intention of the annexe to be sold off separately and the Applicant would therefore accept a planning condition to restrict the annexe from becoming a separate dwelling.

6 Planning Policies

6.1 Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

6.2 The Development Plan in this case comprises the Wiltshire Core Strategy 2011-2026 (January 2015) (the WCS). The following policies are relevant to this application:

Policy CP1: Settlement Strategy

Policy CP2: Delivery Strategy

Policy CP57: High Quality Design and Place Shaping

Policy CP58: Conserving the Historic Environment

Policy CP60: Sustainable Transport

6.3 The National Planning Policy Framework (NPPF) (2024) is a significant material consideration in the determination of the application, and the Planning Practice Guidance (PPG) also provides relevant advice.

6.4 The relevance of the above policies are set out in the detailed planning assessment below.

7 Planning Assessment

7.1 When assessing the proposed development against the relevant planning policies, the key issues in this case are as follows:

- The acceptability of the principle of the change of use and erection of an annexe
- The impact upon the character of the area and historic environment
- Residential amenity
- Parking

Principle of Development

7.2 Although in the open countryside, the amount of land changing use to garden/residential curtilage is very small, limited to 22sq.m. There is not considered to be any significant adverse impacts arising from this change of use of land. Consequently, buildings to be erected for ancillary purposes within the curtilage of dwelling houses, are acceptable in principle and the key issues to be assessed are impact on the area, amenity etc, which are detailed fully below.

7.3 This approach follows the same as an approved application at Gastard ([PL/2025/03220](#)) where the retrospective change of use or land from agriculture to residential was allowed along with the erection of an ancillary annexe. Within the Officer Report (“OR”) they discussed whether the proposal was acceptable in principle, and the same issues are relevant here, *“The area of land to which the change of use relates is a relatively small area adjoining the existing dwelling and garden. Although the land is situated outside the framework boundary and is located within the open countryside, it would form part of an established residential curtilage where the principle of residential use has already been established. Accordingly, the change of use of this land is considered acceptable in principle...”*.

7.4 The OR goes on to also state, *“The principle of an ancillary annexe within the curtilage of an existing dwelling is established as acceptable. Therefore, if the change of use is deemed acceptable, then the principle of the annexe can be supported. A proposal for an annexe would need a condition to require this as ancillary in perpetuity to ensure this does not form a separate planning unit or dwelling in the open countryside, which would be contrary to policy”*.

7.5 Regarding the acceptability of the annexe at 3 The Barton, it is quite clearly not intended to be a separate dwelling, the annexe shares both access, driveway parking and the garden with the main dwelling. However, if necessary, the Applicants would accept the following planning condition to ensure a separate dwelling is not formed at the site:

“The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 3 The Barton, and it shall remain within the same planning unit as the main dwelling”.

7.6 The sections below assess the impact of the change of use of the small section of land to residential along with the annexe use against other relevant planning policies.

Impact upon Heritage and the Character of the Area

7.7 Planning policies CP51, CP57 and chapter 12 of the NPPF more generally seek to ensure high quality design in new developments whilst also protecting, conserving and where possible, enhancing landscape character. In terms of the site's location and any applicable sensitivities, it is within a Conservation Area and there is a public footpath along the southwestern boundary of the site (depicted in blue on the plan below):



Figure 4: PRofW shown in blue

7.8 Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 16(2) and 66(1) state that the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The listing description for the adjoining cottages specifically confirms that 3 The Barton is of not of special interest.

7.9 Firstly, from a heritage perspective, the garage and store building was previously found to be acceptable in terms of impact on the Conservation Area. The Officer Report (“OR”) from 2019 made no reference to any impact arising from the proposal and only focused on the impact form the proposed side extension.

7.10 The OR also considered the design of the garage, which although there are several minor difference, it is in essence the same mass/form on the site. The OR states, *“the proposed garage is also considered to be acceptable in terms of design, size, scale, massing, materials, siting and layout. It would appear to be well designed and not excessive or out of keeping with the host dwelling and character of the area or surroundings”.*

7.11 Externally, the annexe utilises the same materials as per the approved garage and is the same height and overall appearance. The only differences externally are as follows:

- Dormer windows marginally wider and 500mm taller
- No external staircase (as one is provided internally)
- North elevation has x2 windows instead of doors
- South elevation has x1 additional ground floor window
- Omission of eaves overhang on the west elevation
- Inclusion of down pipes, aerial and wall lights

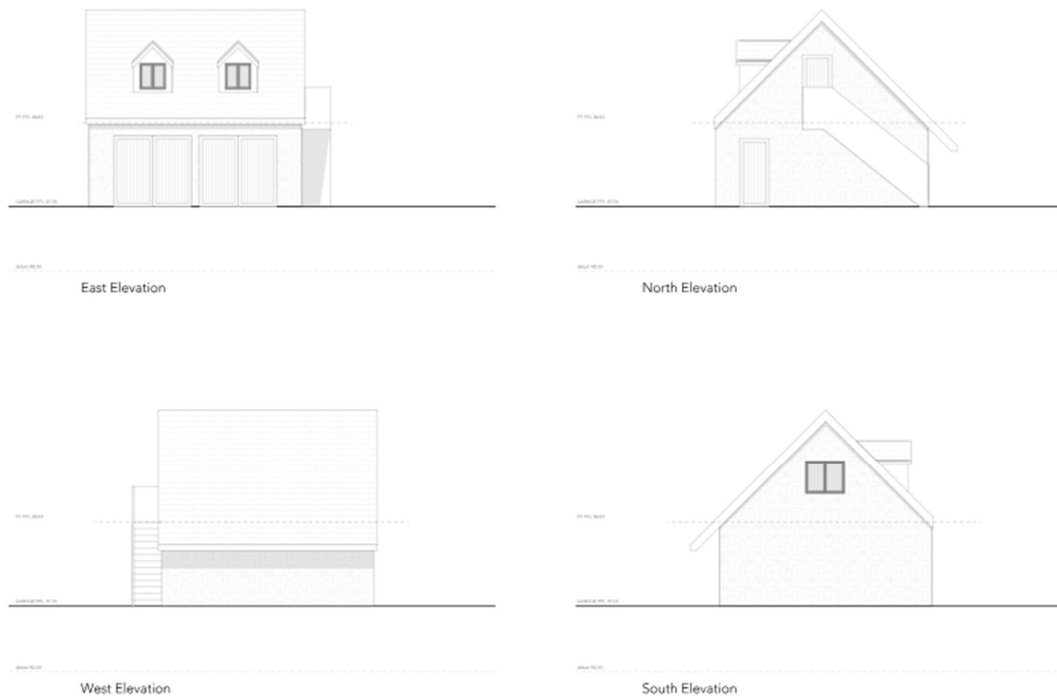


Figure 5: Previously approved garage elevations

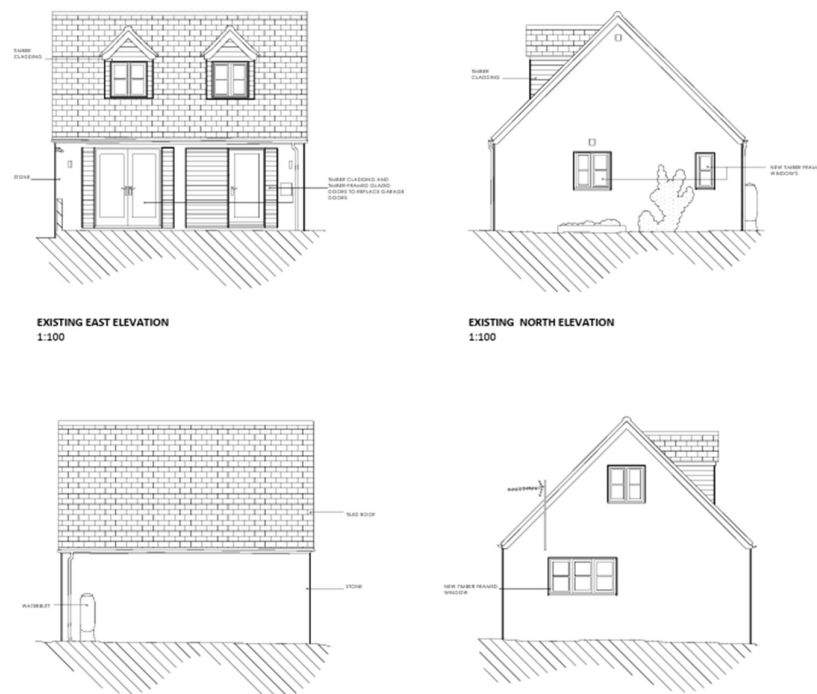


Figure 6: Elevations of the annexe that has been built

- 7.12 Given the building is extremely similar in overall terms to the previously approved garage, there is not considered to be any increased harm associated with the appearance of the building that could be of a level that would justify refusal of the application.

Residential Amenity

- 7.13 Core Policy 57 sets out the general principles for the design of development, including impacts on neighbours to ensure that there is no impact on privacy and other matters such as overshadowing.
- 7.14 The building was already considered acceptable as a garage, with dormer windows in the storage room above on the front elevation. The change of use to an annexe is not considered to result in any increased level of amenity harm, the nearest neighbour is located at 1 and 2 The Barton, which adjoin the main dwelling to the east.
- 7.15 The addition of the annexe also enhances the existing residential amenity for the existing occupiers, being able to care for relatives on site, or to accommodate visiting friends and family.

Highways Considerations

- 7.16 National planning policy dictates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 7.17 Core Policy 61 'Transport and New Development' of the Wiltshire Core Strategy requires new development to be located and designed to reduce the need to travel

particularly by private car, and to encourage the use of sustainable transport alternatives.

7.18 In this case, 3 The Barton is a 3-bedroom property and the annexe only has 1 bedroom. In accordance with the local parking standards, the minimum provision for the site is 3 spaces. The proposed site plan demonstrates that there is adequate space for 3 spaces as well as space for turning to ensure cars leave the site in forward gear.

7.19 Highway impacts are negligible and not capable of forming a reason for refusal of this application.

Biodiversity Net Gain

7.20 The application is exempt from biodiversity net gain requirements as not only is it a retrospective proposal but the area changing use is only 22sqm which is below the threshold of 25sqm. The rest of the site area is existing residential curtilage or parking and will be maintained as such.

8. Conclusions

8.1 The application seeks retrospective permission to change the use of a small part of paddock to garden as well as the erection of a detached annexe which has been built in a very similar location to the previously approved garage with storeroom above.

8.2 There is not considered to be any material harm arising from the slightly different siting, and nor is the land changing use considered to be large enough to have any significant harm that could reasonably warrant refusal of this application. In particular, the built form is very similar to the garage that was previously approved and if necessary, the annexe use can be tied via condition to the dwelling to ensure there will be no net gain in new dwelling houses at the site.

8.3 This Planning Statement has demonstrated how the proposed development complies with all relevant planning policies and permission should be granted without delay.