

## **APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION OFFICER DELEGATED REPORT**

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| <b>APPLICATION REFERENCE:</b> | PL/2026/00051                                          |
| <b>APPLICATION TYPE:</b>      | Householder planning permission                        |
| <b>SITE ADDRESS:</b>          | North Cottage, Minety, Malmesbury, SN16 9PL            |
| <b>DESCRIPTION:</b>           | Demolish and rebuild fire-damaged detached outbuilding |
| <b>RECOMMENDATION:</b>        | APPROVE WITH CONDITIONS                                |

### **PROPOSAL**

Amended plans were received on 22 January 2026; interested parties were renotified. The proposal seeks planning permission for the demolition of an outbuilding damaged during a fire and the erection of a replacement outbuilding on a like-for-like basis. The proposed outbuilding has two-storeys, walls of stone, gabled concrete tile roof, gabled dormers and rooflights to first-floor, garage bays to ground floor. It was observed during the site inspection that demolition of the existing outbuilding had already been carried out.

### **SITE DESCRIPTION**

The application site comprises a detached two-storey dwelling known as North Cottage and its curtilage. It has walls of stone, a gabled roof, uPVC fenestration, and surrounding gardens. Its setting is characterised by the vernacular dwellings, rural lanes, and bucolic landscape surroundings of the hamlet. It is in open countryside of Minety Parish. Relevant designations and constraints include the public rights of way MINE3, MINE4, MINE16 and MINE21, Flood Zone 1 and Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%), and North Meadow SAC 9.4km recreational buffer.

### **PLANNING HISTORY**

N/05/00319/FUL – New Garage and Store (APPROVED WITH CONDITIONS 30/03/2005).

N/03/00964/FUL - ERECTION OF A DETACHED DOUBLE GARAGE/STORE AND INSERTION OF FIRST FLOOR WINDOW IN EAST ELEVATION OF DWELLING (APPROVED WITH CONDITION 18/06/2003).

### **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 62: Development Impacts on the Transport Network (CP62)
- Core Policy 64: Demand Management (CP64)
- Core Policy 67: Flood Risk (CP67)

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

- Policy NE14: Trees, site features and the control of new development

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

## **CONSULTATION RESPONSES**

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

Minety Parish Council – Support (14/01/2026).

Wiltshire Council's Highways Team – No objection, subject to conditions (04/02/2026).

## **REPRESENTATIONS**

Immediate neighbouring dwellings were notified of the application. 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 requires all new development, including extensions and alterations to existing buildings, to meet a high standard of design by, among other things, ensuring a

positive response to the features of the site itself and its landscape or townscape setting.

Appendix D of the Wiltshire Design Guide expects, amongst other things, that a well-designed householder development should be carefully considered to respect the original building and the neighbouring properties, by not dominating the existing building and appearing as a subservient, supporting addition, and fitting into the general street scene, which could be achieved by replicating the style, form, rhythm, materials and architectural detailing of the original house or by contrast with a modern or traditional aesthetic.

Demolition of the existing outbuilding had already been completed at the time of the site inspection, however, based on photographs, its demolition has not been of detriment to the character and appearance of the area given its severe condition.

The proposed outbuilding is understood to be a faithful rebuild of the outbuilding that existed previously. Appendix D of the Wiltshire Design Guide sets the expectation that *“[d]etached outbuildings and garages placed in front of houses are not normally acceptable, nor should they exceed 1 storey in general”*; however, given that the existing outbuilding has not long been removed from the site, the effect of its replacement on the character and appearance of the host dwelling and local area would be limited. Furthermore, the use of gabled forms and local stone would respect the vernacular of dwellings in the area.

The development would not harm the character and appearance of the host dwelling or local area. Accordingly, and subject to such conditions as are necessary to ensure delivery of the design to an acceptable standard, the development is considered to satisfy the expectations of adopted design guidance and the aims of CP57 of the Wiltshire Core Strategy.

### 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 Kays Cottage and Osbourne Farm.

The development seeks to erect an outbuilding as a faithful reconstruction of an outbuilding on the site destroyed by fire. The existing outbuilding has not long been removed from the site; therefore, the effect of the proposed outbuilding on the living conditions of neighbours is likely to be limited.

There would be a good separation distance between the outbuilding and sensitive areas of neighbouring properties. Although it has two-storeys and bears openings at first-floor level, the effect of these on the privacy of neighbours would not be significantly adverse. Furthermore, the use of the first floor for residential activities ancillary to the main dwellinghouse would not by itself indicate an unacceptable noise impact, and in extreme events a statutory nuisance is controlled by the Environmental Protection Act 1990.

The development would not harm the living conditions afforded to occupants of the site itself or of neighbouring and nearby land. Furthermore, it would satisfy the expectations of adopted design guidance and the aims of CP57 (vii) of the Wiltshire Core Strategy.

#### Highway matters

The development does not increase the sites bedroom quantum, cause a loss of parking provision or alter the access arrangements. However, access to the site is over several public rights of way which are not affected by the development itself.

Wiltshire Council's Highways Team raise no objection subject to a pre-commencement condition requiring approval of a Construction Management Statement so impacts on the transport network and environment, resulting from construction activities, can be controlled in the interests of highway safety and local amenity. The applicant has confirmed their agreement to such a condition.

Access for construction vehicles over the public rights of way, and any require mitigation, repair, or compensatory measures for damage that may occur, are matters controlled by separate legislation via Wiltshire Council's Countryside Access Team. While this team were not consulted, it is understood from WC's Highways Team that an informative is sufficient on the basis that the site is associated with an existing dwellinghouse.

Subject to conditions, the development would not give rise to unacceptable harm to highway safety. Furthermore, it would not conflict with CP62 or CP64 of the Wiltshire Core Strategy which seek to manage demands and effects of development on the highway network in the interests of the safety of its users.

#### North Meadow SAC

Wiltshire Council has published a North Meadow SAC Interim Recreation Mitigation Strategy (2023-2028). However, a financial contribution to mitigate impacts on the SAC would not be required in this instance as the proposal does not create an additional residential unit.

### Biodiversity Net Gain (BNG)

The application was validated as a householder planning application, which are exempt from the requirement to deliver 10% BNG introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The decision notice should include an informative reminding the applicant of the requirements.

### **PLANNING BALANCE AND CONCLUSION**

The development would have acceptable effects in respect of matters of acknowledged importance to the public interest, subject to conditions that meet the tests. Furthermore, it would not conflict with 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 statutory requirements have therefore been fulfilled, and the application should 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:

Application Form. Materials. Received 5 January 2026.

Location and Block Plans. 250960-00. Received 5 January 2026.

Proposed Elevations and Floor Plans. 250960-101A. Received 22 January 2026.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building unless otherwise stated on the approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. Number and size of delivery vehicles/ construction vehicles
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

#### **Informatives to Applicant:**

1. The applicant should note that no construction / demolition vehicle access may be taken along public rights of way MINE3, MINE4, MINE16 or MINE21 without prior consultation with the Rights of way Countryside Access Officer ([rightsofway@wiltshire.gov.uk](mailto:rightsofway@wiltshire.gov.uk)). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

The applicant should also note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public rights of way MINE3, MINE4, MINE16 and MINE21 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.