

APPLICATION FOR FULL PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09134
APPLICATION TYPE:	Full Planning Permission
SITE ADDRESS:	The Smithy, East Tytherton, Chippenham, SN15 4LT
DEVELOPMENT DESCRIPTION:	Erection of a Summer House & Retrospective Residential Change of Use of Land
RECOMMENDATION:	Consent be GRANTED

PROPOSAL

This application is requesting retrospective permission for the change of use of land to residential, in association with existing dwellinghouse 'The Smithy', and for the erection of an outbuilding proposed as a 'summer house'.

The extent of the originally permitted residential land associated with the dwellinghouse was inline (to the west) with the curtilage associated with neighbouring residential 'The Forge Cottage', and the area which is proposing a change of use goes further west into the adjacent agricultural parcel.

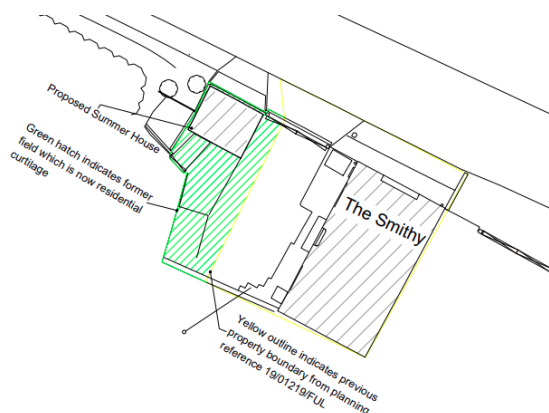
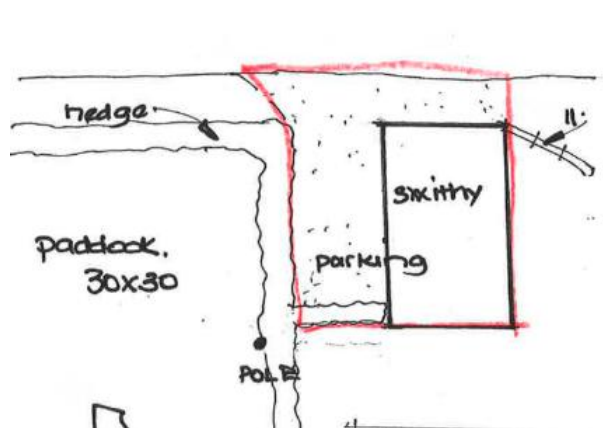


Figure 1: partial extract of 19/01219/FUL permitted location plan Figure 2: partial extract of provided drawing 4425-04

The proposed summerhouse is to be located on the extended area of residential land measuring 2.45m deep X 3.05m wide X 2.25m high (1.95m at the eaves) and is proposed to be finished with timber cladding walls (painted green) and grey tile effect roof.

The rear (north) elevation of the outbuilding is proposed to abut the existing lower fence which separates the side from the adjacent highway. No changes to the vehicular access, boundary treatments or other operational development are being proposed under this application.

SITE DESCRIPTION

The application site comprises a converted dwelling and adjacent section of land (approx. 33m²) within part of an existing agricultural parcel south of a classified c-road in East Tytherton, a hamlet part of the Chippenham Community area and within the Neighbourhood Development Plan (NDP) area for Bremhill. Notwithstanding, East Tytherton is not within an area with a defined framework boundary and is more than 3km east of the framework boundary for Chippenham; the site is consequently understood to be in open countryside for planning purposes.



Figures 3 & 4: map & aerial (2024) view of site (red)

Figure 5: Street view (google, 2024) of site

The site benefits from existing access from the adjacent c-road and pedestrian access to the adjacent paddock; the site and paddock are both highly visible from the public highway. There is an existing Public Right of Way (PRoW) which runs along the eastern edge of the adjacent parcel but does not enter the application site at any point and there is limited publicly accessible view of the site from this PRoW by virtue of existing natural planting.

The site is not listed or within a National Landscape Area; however, part of the site (dwelling and access) are within the East Tytherton Conservation Area (CA). An existing watercourse is less than 100m south-west of the site, to the other side of the highway, and there are areas close to the site which have been identified as part of the Councils Strategic Flood Risk Assessment (SFRA) as being at some risk of surface water flooding; however, within the application site boundary, there is no identified high risk of surface water or groundwater flooding and the Environment Agency identify the site as being in flood zone 1 - at the lowest risk of flooding from rivers and seas.

RELEVANT PLANNING HISTORY

Relevant planning history at the site: (inter alia)

- 19/01219/FUL granted planning permission for the *conversion of storage building to a dwelling* subject to 10 conditions on 17.07.2019. Applied conditions included the removal of permitted development rights for the following:
 - o Buildings, structures, gate, wall, fence or other means of enclosure anywhere on the site.
 - o Additions, extensions or external alterations to the dwelling.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

Wiltshire Core Strategy (WCS)

- CP1: Settlement Strategy
- CP2: Delivery Strategy
- CP10: Spatial Strategy for the Chippenham Community Area
- CP41: Sustainable Construction and Low-Carbon Energy
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring the Conservation of the Historic Environment
- CP61: Transport and Development
- CP67: Flood Risks

Saved Policies of the North Wiltshire Local Plan (NWLP)

- NE14: Trees and the Control of New Development

Bremhill Neighbourhood Development Plan (NDP)

- Policy 4: Biodiversity

Wiltshire Local Transport Plan 3 (LTP4)

- Parking standards (LTP3)

Wiltshire Design Guide (WDG)

Wiltshire Council Level 1 Strategic Flood Risk Assessment (SFRA)

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 72: General Duty as respects conservation areas in exercise of planning functions

ISSUES

The main issues in the consideration of this application are:

- Principle / Sustainable Development
- Impact on the Conservation Area Setting
- Design and Impact on Neighbouring Amenity
- Biodiversity/Geodiversity
- Highway Safety/Access

CONSULTATION

Bremhill Parish Council: Support

Ward Councillors Lytton and Martin carried out a site visit. The application does not impact on any of the neighbours privacy and is in keeping with the local area. There is also no impact for road or pavement users. They are happy to support this application.

Councils Archaeology Team: No Comment.

Councils Conservation Team: No comment

The development does not lie within our consultation remit and in view of the need to be selective in what can be given consideration by this team to focus on cases where we can add most value we have not examined this proposal in detail and do not intend to comment. This should not, however, be construed in any way as implying approval or endorsement of the proposal. If assessment indicates that detailed conservation input is required please re-consult us.

Councils Highways Team: (20.01.2026) No objection subject to conditions

[...] It is considered that the proposal is now acceptable in highway terms and I raise no highway objection providing [...] conditions are imposed [...]

REPRESENTATIONS

At the time of writing no public representations have been received.

ASSESSMENT

Principle / Sustainable development

CP1 and CP2 of the WCS relate to the spatial strategy for Wiltshire, setting the policy foundations for sustainable development within the county. CP10 of the WCS expresses that development in the Chippenham Community Area should be in accordance with the Settlement Strategy set out in CP1.

CP2 outlines that, other than in circumstances permitted by other policies within the WCS, development will not be permitted outside the limits of development, as defined on the policies map.

- Supporting text found at 4.25 identifies the exception policies within the WCS as being: CP34, CP37, CP39, CP40, CP44, CP46, CP47 and CP48.

The site is located outside of any defined settlement limits and proposes the change of use of land and erection of a new building which does not explicitly conform with the requirements of exception policies of the WCS; however, the development is associated with an existing dwelling, and the land is immediately adjacent to the existing, consented, domestic curtilage. The retrospective change of use relates to a modest area and will not result in a significant or otherwise unacceptable change in character of the setting.

On this occasion, subject to consideration of other material planning matters, the principle of development associated with an existing residential unit, is accepted.

Impact on the Conservation Area Setting

Policy CP57 of the WCS requires high quality design and place shaping for all new development with Policy CP58 further requiring development to protect, conserve and (where possible) enhance the historic environment.

Consultation with the Councils Conservation team has been carried out; whilst no scheme specific guidance has been received, Officer assessment of harm has been duly carried out.

In general, an outbuilding in this location will be viewed as an acceptable addition to the residential site and, whilst it is to be sited in an area which would be visible from the adjacent highway, the scale and design are not so out of keeping that the development would cause visual harm to the CA setting should planning permission be granted.

Furthermore, the modest size of the land which has been used as residential in association with the dwellinghouse, to which this application is seeking retrospective permission, has not resulted in unacceptable encroachment into the adjacent land. The continued use of land for residential purposes is not harmful to the CA setting. Similar to the permission granting the original change of use to the dwelling, however, it is necessary to remove permitted development rights for outbuildings on this extended residential unit.

Design and Impact on Neighbouring Amenity

Policy CP41 of the WCS relates to sustainable construction and low-carbon energy and encourages development including building conversions to incorporate design measures to reduce energy demand.

Policy CP57 of the WCS requires high quality design and place shaping for all new development including extensions, alterations and changes of use. Criteria (vii) of CP57 of the WCS includes the requirement to consider the amenity of existing occupants in matters of privacy, overshadowing, vibration and pollution, outlining that schemes should:

- (vii) Have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The scheme does not propose any renewable energy solutions which is regrettable; however, given the scale of the development it would not be reasonable to require alterations to better suit the aims of CP41; an informative will be included with any permission granted directing the applicant to permitted development rights for such development.

The design of the building is functional, and the materials/finish are not unacceptable. The type and scale of development proposed, and distance from neighbouring units, is such that there would not be any unacceptable change to levels of amenity enjoyed by occupants of any neighbouring dwelling should planning permission be granted.

Biodiversity/Geodiversity

Biodiversity net gain (BNG) is a way of creating and improving natural habitats and ensures that development has a measurably positive impact on biodiversity, compared to what was there before development.

Policy CP50 of the WCS outlines that Wiltshire's natural environment is one of its greatest assets and identifies protection measures necessary for consideration when assessing the impact of development on biodiversity and geodiversity.

The scheme meets the de minimis exemption for BNG and no conditions/mitigation is required in relation to protected species.

Highways Safety / Access

Policy CP61 of the WCS requires new development to be served by safe access to the highway network. Policy CP64 of the WCS relates to demand management measures which includes car parking management and standards.

The scheme as originally submitted resulted in objection from the Councils highways team relating to concerns regarding parking, gates and visibility splays. Amendments were made and the final revised scheme (received 19.01.2026) appropriately addressed these concerns to such a degree that the highways team withdrew their objection subject to conditions.

The recommended conditions relate to visibility splays and gates; both, with some revision to the wording, are necessary in the interest of highway safety.

SUMMARY AND CONCLUSION

With the inclusion of necessary planning conditions, the scheme meets the aims of policies contained within the Wiltshire Core Strategy and Bremhill Neighbourhood Development Plan.

RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

- 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.

- The development hereby permitted shall be carried out in accordance with the following approved plans:
 - o Location plan, 4425-02D, received 19.01.2026
 - o Proposed visibility splays, 4425-03C, received 19.01.2026
 - o Floor Plans and Elevations of Proposed Summer House, 4425-05, received 08.12.2025

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

- a) No part of the development shall be first brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level.
- b) The approved visibility splays shall be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order no gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area and in the interests of highway safety.

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order no garages, sheds, greenhouses or other ancillary domestic outbuildings, other than those shown on the approved plans, shall be erected anywhere on the site.

REASON: To safeguard the character and appearance of the area.

INFORMATIVE TO APPLICANT:

- The Government has published a Clean Power 2030 Action Plan which includes observations around how 'new standards will be introduced next year which will amend the energy efficiency standards in the Building Regulations in England'. Whilst this scheme does not include renewable energy solutions, there has been no removal of permitted

development rights for 'renewable energy' development provisioned under Schedule 2, Part 14 of the GPDO.

Further information on the Action Plan can be found online at:

assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf and further information on permitted development rights for

renewable energy can be found online at:

<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/14>