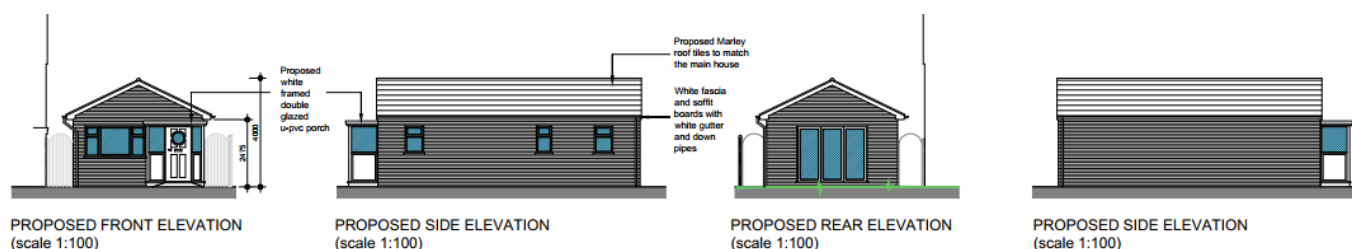


APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION

DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/00525
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	6 Ash Walk, Warminster, BA12 8PY
DEVELOPMENT DESCRIPTION:	Completion of an existing outbuilding as a single-storey ancillary annexe (granny annexe)
RECOMMENDATION:	APPROVAL

PROPOSAL: This application is seeking planning permission to complete the construction of a domestic outbuilding that has been partially constructed to the side of No. 6 Ash Walk, to be used as a single-storey ancillary granny annexe. The proposed outbuilding would be finished in materials that would match the existing semi-detached property and would be completed with a pitched roof.



It should be noted that the applicant had commenced the construction of the outbuilding on the understanding that it would benefit from permitted development rights. However, works ceased after being alerted that when tested against Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permission would be required to regularise the development, and complete it with a pitched roof.

Criterion (e) of Class E of the GPDO stipulates the following for an outbuilding to be considered as permitted development:

- (e) the height of the building, enclosure or container would exceed –*
- (i) 4 metres in the case of a building with a dual-pitched roof,*
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*
 - (iii) 3 metres in any other case*

In this instance, the partially built outbuilding (which remains incomplete following an officer site visit carried out in March 2026 whereby there is no roof or fenestration), and that it scales as being 2.6m to the eaves (despite the 2.5m annotation on the drawing) and is positioned 0.95m from the boundary, which does not meet the criteria of Class E, as quoted above. To constitute as 'permitted development' any ancillary outbuilding to the main dwelling would need to be no higher than 2.5m.

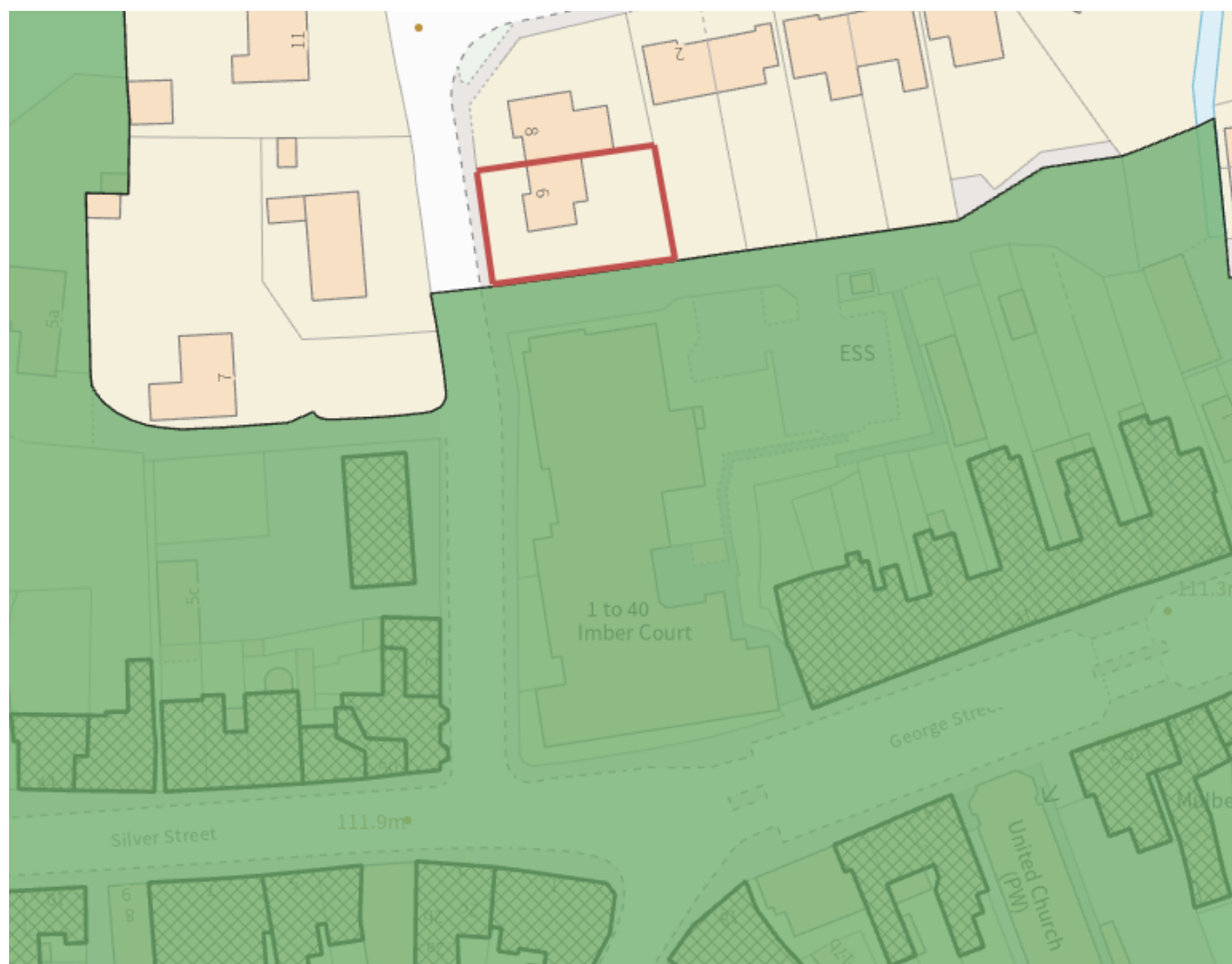
The proposed elevation drawings, with the pitched roof, show a height of 4m at the highest point and therefore requires planning permission.

SITE DESCRIPTION/CONTEXT: The application relates to an existing semi-detached dwelling constructed from brick with hanging tile detailing, located within a predominantly residential area of Warminster.

The area immediately surrounding the application site is predominantly characterised by two-storey brick-built dwellings of a similar style to Nos 6-8 Ash Walk, as semi-detached pairs or detached properties set within modestly sized plots, and arranged to front the road, with the exception of the dwellings opposite the application site (to the west), which are more informally arranged and are set behind mature hedging and brick walling. To the south of the application site, there is a three-storey retirement home of brick and reconstituted stone.

The southern boundary of the application site immediately borders the designated Warminster Conservation Area, and there are several Grade II listed buildings within 50m of the application site, including: Nos 1, 3 and 5 Ash Walk to the south-west; Nos 25-36 (inclusive) George Street to the south-east.

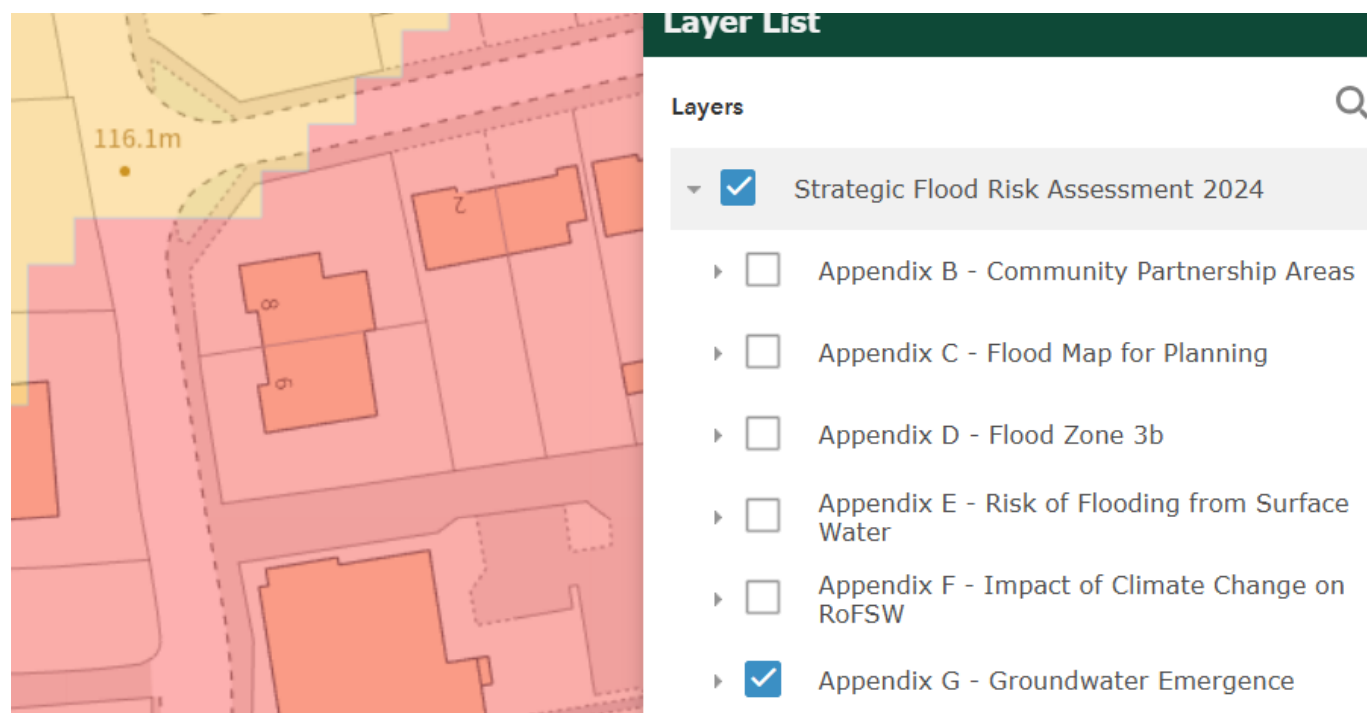
The extract below, taken from the Council's mapping system, illustrates the location of these heritage assets in relation to the application site, which has been outlined in red. The listed buildings are depicted by the black cross-hatching in the image below, with the Warminster Conservation Area boundary shown by the areas washed over in green:



The application site is located entirely within the red-zoned 'high' risk area for phosphorus discharge as defined by Natural England, and in such areas, without appropriate mitigation, phosphorus producing residential development (via sewage discharge) would likely have an adverse impact on the Hampshire River Avon catchment and the protected River Avon Special Area of Conservation (SAC).

The site is also located within the Salisbury Plain Special Protection Area (SPA) 6.4km buffer zone, for stone-curlews.

The application site is also located in an area at high risk of groundwater flooding according to the Council's Strategic Flood Risk Assessment (SFRA) (an extract of which is provided below), with the groundwater levels being either at or very near the ground surface.



RELEVANT PLANNING HISTORY

PL/2023/02682 - Conversion and extension to a partially constructed single storey ancillary garden building to a 2-storey detached dwelling and associated works – Refused and dismissed at appeal (reference APP/Y3940/W/24/3352997). The application was refused on the following grounds:

- The proposal would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality and would appear out of character with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings; and would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of substantive public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy 58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 203, 205-208 of the National*

Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

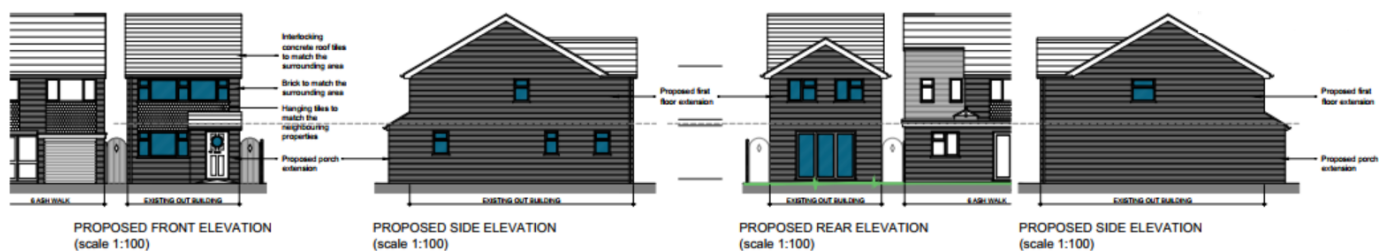
- 2. In order to accommodate the proposed new dwelling, the existing plot of No.6 Ash Walk would be subdivided and significantly reduced in size, resulting in an inadequately sized residual rear garden area for the occupiers of 6 Ash Walk, which would result in a diminished amenity value. Furthermore, the rear outside amenity space that would serve the new dwelling (created through the subdivision of No.6) would be of an insufficient size when assessed against the requirements of Council's adopted Design Guide. The proposal is therefore in direct conflict with criterion vii of Core Policy 57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, chapter 9.2 of the adopted Wiltshire Design Guide and paragraph 135f of the National Planning Policy Framework which requires a high standard of amenity for existing and future users.*

The appointed Inspector for the APP/Y3940/W/24/3352997 appeal cited the following in explaining the reasoning behind dismissing the appeal:

9. In this instance, the development would provide one new dwelling which would add to the local housing stock and make efficient use of land, while also providing some economic benefits. However, the scale of the proposal means that these benefits are limited. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified.

13. It is the case that both BfL12 and the Design Guide only contain guidance rather than mandatory requirements. However, the purpose of the identified standards is to ensure that developments have garden spaces that are of a sufficient size to provide a good standard of living for occupiers. The fact that the two garden spaces would not comply with these documents is indicative of a poorly designed and cramped development that would have a harmful effect on living conditions.

Extracts of the refused and dismissed proposal, pursuant to the above, are set out below:



PL/2021/07803 – Subdivision of plot to create a separate dwelling (2 bed 3 person) at land to the side of 6 Ash Walk – Refused on the following two grounds, but not appealed by the applicant:

- 1. The proposed dwelling and subdivision of the plot associated with 6 Ash Walk would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, through the resultant formation of small plot sizes which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality, which that would be substantively out of character and appearance with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings. The proposal would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of any public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy 58 of the adopted Wiltshire*

Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 197, 199- 202 of the National Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

2. *In order to accommodate the proposed dwelling, the existing plot associated with 6 Ash Walk would be subdivided and significantly eroded, resulting in an inadequately sized residual rear garden area for the occupiers of 6 Ash Walk, which would provide limited amenity value by virtue of its size, in direct conflict with criterion vii of CP57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework which requires a high standard of amenity for existing and future users*

20/06434/FUL - Subdivision of plot to create a separate dwelling – Subject to a non-determination appeal with officers recommending the application be refused – and was subsequently dismissed at appeal, with the appointed Inspector concluding the following:

"... even though there is no evidence that the proposal would have a harmful effect on living condition of future occupiers in relation to the amount of private outdoor space, there would still be a harmful effect on the character and appearance of the area and the setting of designated heritage assets. Consequently, the appeal is dismissed, and planning permission is refused."

20/02726/PNEX - Larger home extension to the rear - Prior approval not required

RELEVANT POLICIES AND GUIDANCE

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP31 - Spatial Strategy for the Warminster Community Area; CP50 - Biodiversity and Geodiversity; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP61 - Transport and New Development; CP64 - Demand Management; CP67 - Flood Risk; CP69 - Protection of the River Avon SAC

The Emerging Wiltshire Local Plan (Regulation 24)*: Policy 4: Addressing climate change, Policy 85: Sustainable construction and low carbon energy, and Policy 98: Ensuring high quality design and place shaping

*The examination of the emerging Wiltshire Local Plan has been paused and the weight to be afforded to any part of the emerging plan can be no more than very limited. A decision on how to proceed will be made by the Council in May 2026.

Also of relevance: Wiltshire Design Guide, adopted March 2024; saved policy U1a Foul Water Disposal of the West Wiltshire District Plan 1st Alteration 2004. The 'made' Warminster Neighbourhood Plan, November 2016 with particular regard to Policy L1 – Design; Building for Life 12 publication, as endorsed by the 'made' Warminster Neighbourhood Plan; Warminster Town Centre Conservation Area Character Assessment, Informative Document, adopted April 2007; Wiltshire's Community Infrastructure Levy documents; Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions.

CONSULTATION RESPONSES

Warminster Town Council: No objection

Wiltshire Council Highways: Requested a plan *"illustrating the parking for the existing dwelling and the annex along with the extent of the dropped kerb"*.

REPRESENTATIONS

Third Party Representations: No third-party comments were received.

ASSESSMENT: Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the adopted Wiltshire Core Strategy (2015) and, the made Warminster Neighbourhood Plan.

Principle of Development: This application seeks to regularise the works that have been undertaken to date and complete the construction of a ancillary single-storey outbuilding to the side of No.6 Ash Walk, which the applicant has stated in the submitted Design and Access Statement would be used as an annexe *"intended for inter-generational living as part of the same household, providing flexibility for family members while maintaining a clear functional and physical link with the host dwelling"*.

To be an annexe, there has to be a direct and dependent relationship between the occupants of the main dwelling (No.6) and an annexe. The submitted plans illustrate the creation of a one-bed annexe, which would benefit from a shared driveway, with on-site car parking provision and shared amenity space to the rear, with no subdivision of the existing plot associated with No.6.

As the application site relates to an established residential dwelling, located within the defined settlement boundary for Warminster, where there is a presumption in favour of sustainable development in accordance with CP2 of the adopted WCS, the principle of the development is supported, subject to a condition being imposed to restrict the use of the outbuilding as an annex.

Heritage Impact: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF requires great weight to be given to the conservation of heritage assets and advises on a balanced approach pursuant to any public benefits, which may result from proposals being weighed against any harm caused. In particular, NPPF paragraph 212 advises that when *"considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.

NPPF paragraph 213 requires that any harm or loss of significance to a designated heritage asset should require clear and convincing justification.

In addition to the above, CP58 of the adopted WCS requires that *“designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance”*. Policy CP57 also requires a 'high standard of design' in all new developments and for developments to be *“sympathetic to and conserving historic buildings and historic landscapes”* in criterion iv.

Furthermore, Policy L1 of the 'made' neighbourhood plan states that the *“design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard”*, with justification being: good urban design; quality and sustainability of new homes; preservation of Warminster's heritage and characteristics; and to promote and maintain a high quality of life.

As previously reported, there are a number of listed buildings close to the application site, predominantly 2 or 3 storeys with converted attic space and dormer windows on the top floor facing the road and are orientated to front their corresponding roads of George Street, Silver Street and Ash Walk. The buildings are predominantly constructed from brick, stone or have a rendered finish – with George Street and Silver Street forming part of the secondary retail area of the town, providing an attractive approach to the town centre of Warminster. The application site is located immediately to the north of the designated conservation area boundary and forms part of the modern 1960s-built residential estate.

The Warminster Town Centre Conservation Area Character Assessment Informative Document, which was published in April 2007, states that George Street and Silver Street *“portrays the characteristics of a secondary retail area, with a considerable number of residential buildings and less commercial emphasis”*. Heading along Ash Walk from Silver Street, the character of the area is more dominated by residential properties and a modern road layout.

The application site itself is not located directly within the conservation area boundary but does border it to the south and given its proximity to the conservation area boundary, the views into and out of a designated conservation area of importance, as is the juxtaposition of any new development on the edge of the conservation area.

It is duly appreciated that 6 Ash Walk does not contribute positively to the architectural or historical interest of the Warminster Conservation Area, but the existing spatial gap to the side of the existing semi-detached pair provides a buffer to the conservation area, albeit a limited one.

The applicant has prepared a Heritage Statement Addendum to support this proposal for an annexe (dated November 2025), which confirms that the proposed building in its completed form would appear *“subordinate to No. 6, utilising matching materials and a roof form below the eaves line of the host dwelling. No plot subdivision is proposed; the annexe remains within and uses the same domestic curtilage as the host property. This approach retains the existing spatial buffer between the dwelling and the Warminster Conservation Area boundary”*.

While the use of matching materials would help the annexe integrate into its surroundings, the addition of a pitched roof would nonetheless reduce the spatial separation from the conservation area. However, the proposed annexe, despite incorporating a pitched roof, would remain lower than the eaves of No. 6 at its highest point. As a result, this scheme would not generate the same level of harm compared to the earlier proposals for a two-storey dwelling on the site.

It is also important to mention the following taken from paragraph 16 of the aforementioned Inspector's appeal decision for APP/Y3940/W/24/3352997:

"The appellant has partially built a single storey outbuilding on the appeal site. The Council has noted that the proposed height of the outbuilding would contravene the relevant criteria for permitted development rights. However, it is clear that a suitably sized outbuilding could be provided in this location and that there is a greater than theoretical prospect of this occurring. Nevertheless, a single storey outbuilding of this nature would clearly appear subservient to the main dwelling and would not be seen as an incongruous feature within the street scene. In essence, the harm associated with an outbuilding would be significantly less than the harm I have identified in relation to the proposal for a two-storey detached home". (officer emphasis added)

As this application is not seeking planning permission for the construction of a two-storey detached dwelling and the subdivision of the existing plot to form a new planning unit, as was previously proposed and refused / dismissed at appeal, it is considered that the first reason for refusing PL/2023/02682 does not apply for this annexe proposal.

The proposal, by virtue of its scale, design, and use of materials, the annexe proposal would have a limited impact on the setting of the conservation area and the setting of nearby listed buildings and that the impacts would be at the low level of less than substantial harm by virtue of enclosing a gap that had existed between No.6 and the heritage assets. The purpose of the annexe would amount to a public benefit pursuant to the applicant's proposed provision of an annexe to support *inter-generational living* at the property and this benefit would outweigh the low-level harm the construction/completion of the outbuilding would cause to the settings of the heritage assets; and as such, the development is considered to comply with WCS CP58, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the relevant provisions of the NPPF.

Design and Impact upon the Character and Context of the Area: Policy CP57 of the adopted WCS seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

Having regard to the above, the proposal complies with the design principles set out in CP57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.

The proposed annexe being of single-storey height, modest form and scale, represents an acceptable subservient addition to the property. The proposed block plan shows the annexe to complement the existing building line of Nos 6-8. The use of appropriate materials that match the existing semi-detached pair would ensure the annex preserves the character and appearance of the area. Therefore, the proposal would comply with CP57 of the adopted WCS.

Amenity: Criterion vii of CP57 seeks to ensure that developments do not adversely affect neighbouring properties.

The NPPF, particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

The proposal therefore accords with CP57 in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

The 'made' Warminster Neighbourhood Plan endorses the Building for Life 12 industry standard for well-designed dwellings and it makes reference to this within Policy L1 - Design, which states that:

"The design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard."

Justification:

Good urban design

Quality and sustainability of new homes

Preservation of Warminster's heritage and characteristics

Maintains a quality of life"

With due regard to the position of the annexe and its single-storey height and fenestration arrangement, it would not have an adverse impact on the amenity of neighbouring properties.

As this submission is not seeking the subdivision of the existing plot associated with No.6, which differs from previous proposals on this site, it is considered that the second reason for refusing application reference PL/2023/02682 does not apply to this particular case, as this proposal is not seeking the formation of an independent dwelling and the subdivision of the existing plot. The submitted details pursuant to this application confirm that the future occupants of the annexe would benefit from shared access to the rear amenity space.

Highways Impact: Policy CP57 (xiv) of the WCS seeks to ensure that development meets the requirements of CP61. This policy requires proposals to be capable of being served by safe access to the highway network. Policy CP64 seeks to ensure compliance with parking standards set out in the Local Transport Plan.

The NPPF, particularly paragraphs 115 and 116, requires development proposals to not have an unacceptable impact on highway safety and that safe and suitable access to the site can be achieved for all users.

The submitted drawings demonstrate that adequate on-site car parking provision can be provided in accordance with Wiltshire's adopted parking standards.

The Council's highways officer has recommended that a plan be submitted to demonstrate that a suitable pedestrian visibility splay on the northern boundary (as measured from the back of the footway) can be delivered to ensure that adequate visibility for vehicles exiting the driveway does not conflict with pedestrian safety. Such a requirement shall be covered by a preoccupancy planning condition.

The proposal is therefore considered to comply with WCS core policies 57 (xiv), 61 and 64, the NPPF, and the Wiltshire Local Transport Plan.

Ecology Impact: Policy CP50 of the WCS seeks to protect and enhance biodiversity and geodiversity, including through ensuring that development avoids harm to protected species and habitats.

The site is situated within the River Avon (Hampshire) Special Area of Conservation (SAC) catchment area, which is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants, including phosphate and nitrogen discharges via sewage treatment works or from fertilisers used on farmland throughout the catchment. Policy CP69 of the WCS seeks to ensure that

developments incorporate measures to avoid and prevent pollution and mitigate potential effects, to ensure no adverse effects on the SAC.

In addition to the above, NPPF paragraph 193 requires qualifying housing development to minimise impacts on and provide net gains for biodiversity, including ensuring mitigation is secured where harm cannot be avoided.

In this instance, the proposal is not required to provide Biodiversity Net Gain (BNG) as it is under Schedule 7A, Section 4(2)(a) of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021. The proposal would not result in a change to the number of dwellings on site and as recommended the annexe accommodation would be restricted in terms of its use to being ancillary to the main dwelling at 6 Ash Walk. Furthermore, no Nutrient neutrality mitigation is necessary for a householder application, as Natural England's nutrient budget calculator uses an average occupancy figure of 2.4 people per dwelling.

As such, the development complies with CP50 of the WCS and the relevant provisions of the NPPF.

Drainage and Flood Risk: Policy CP67 of the WCS and paragraph 181 of the NPPF require all new development to avoid increasing flood risk on-site or elsewhere and, where appropriate, incorporate sustainable drainage measures. Development must also comply with national policy on flood risk management and drainage design. Paragraph 176 (via footnote 62) of the NPPF states that householder development should not be subject to the sequential test, nor the exception test.

The application site is located within Flood Zone 1 with reference to the Environment Agency's flood map for planning, which confirms that the site is at the lowest risk of fluvial flooding. The subject site has been screened on the Council's SFRA mapping system, which indicates that the site is susceptible to groundwater flooding, due to the groundwater levels being at or very near the ground surface.

The submitted Flood Risk Assessment Addendum confirms that the Groundwater Flood Risk Assessment (GFRA) (produced by Tumu, dated 20 October 2023 – pursuant to PL/2023/02682) *“identified a potentially high groundwater flood susceptibility on Wiltshire Council's mapping, mitigated to low risk through raised DPC levels and permeable finishes. The baseline conditions remain unchanged and the existing soakaway continues to operate effectively. Finished floor levels remain approximately 300mm above Ash Walk highway level. No new impermeable surfaces of any significance are proposed”*.

It is therefore considered that the annexe would not increase flood risk on-site or to existing properties, as it can be managed appropriately on-site. The proposal therefore complies with CP67 of the WCS and the policy in the NPPF, ensuring that flood risk is not increased and that surface water drainage is appropriately managed.

CONCLUSION: The proposed development is considered to be acceptable in terms of its design, scale, and relationship with the surrounding area. It would not result in any unacceptable harm to the character of the locality, the amenities of neighbouring occupiers, or the interests of highway safety, heritage, or ecology.

The proposal is therefore considered to comply with the relevant policies of the WCS and the NPPF. As such, the application is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: Planning Permission be GRANTED subject to conditions.