

APPLICATION FOR ANNEXED ACCOMODATION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/01041
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	3 The Barton, Upper Common, Kington Langley, Chippenham, SN15 5PF
DEVELOPMENT DESCRIPTION:	Retrospective change of use of part of paddock to garden and construction of detached annexe
RECOMMENDATION:	That Planning Permission be Granted

PROPOSAL

The proposal, which is retrospective in nature, seeks planning permission for the erection of a building to be used as a detached annex, along with associated change of use of land from agricultural to residential. The building is single-storey form and measures some 6.6m by 6.6m. With 2no. dormers on the east facing roofslope, it is of clay pantile roof under stone elevation with timber infill panels. The plans show open plan living space at ground floor with single bedroom (along with storage and w/c) above.

SITE DESCRIPTION/CONTEXT

The site comprises the main dwelling of no.3 The Barton, as well as the associated curtilage area to the rear (south), which includes the building the subject of this application. No.3 The Barton sits at the western end of a short terrace of 3no. dwellings, with vehicular access being provided from the highway around the eastern end of the terrace (and the adjoining Barton Cottage) to the rear of the curtilage. This access serves both the main dwelling and the subject building.

The building is sited to the rear (south) of the main dwelling, some 15m distant, with nos.1 and 2 of the terrace generally forming the northern and eastern boundaries. To the south the site is bound by paddock land, with the subject building flush against this use; to the west is the relatively recently constructed dwelling of Barncroft.

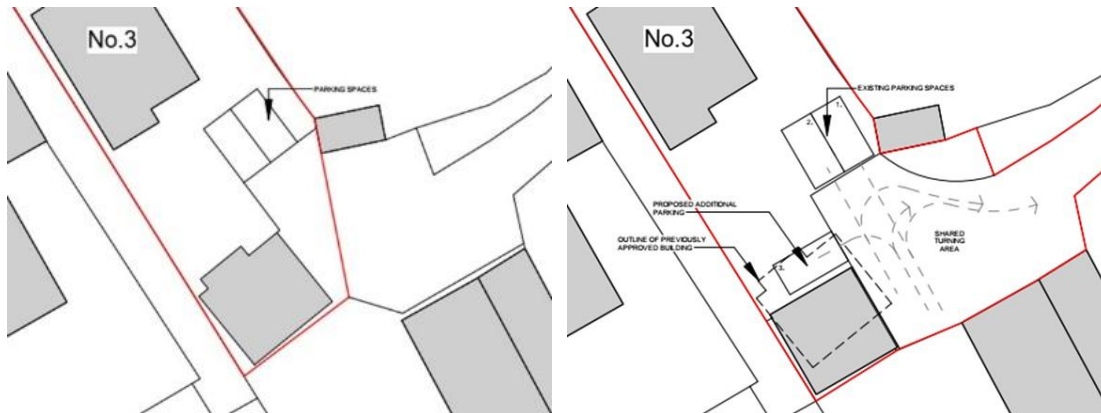
The application site is subject to the following planning policy constraints:

- Kington Langley Conservation Area
- Listed buildings: 1 and 2 The Barton and Plangeross
- Public Right of Way: KLAN5

PLANNING HISTORY

Proposal / Summary
19/03674/FUL – Full planning permission Decision – Approve with Conditions Date: 1/8/2019 – Alterations and extension to existing dwelling. Addition of detached double garage.

The previous planning permission for the site approved the erection of (inter alia) a detached double garage. As shown on the drawing extracts below, whilst that approved building overlaps with the footprint of the current building, there is clearly some material difference, in particular the approved building was sited entirely within the residential curtilage:



Previously approved building / as built (current application), showing different site areas

The existing building has not been built in accordance with the previously approved plans; it is understood that the footprint of the building was altered in large part to avoid a drainage pipe which runs across the site – this issue is considered below.

19/03674/FUL was granted subject to 8no. Conditions and it is noted the Condition no.4 on that permission restricted the use of the garage from habitable accommodation, for reasons of amenity and highway safety.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management
- Core Policy 67: Flood Risk

North Wiltshire Local Plan (2011) Saved Policies

- Policy H4: Residential Development in the Open Countryside

Wiltshire Design Guide

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

CONSULTATION RESPONSES

Kington Langley Parish Council: No objection (subject to Condition to tie to main dwelling)

WC Conservation Officer: No objection

WC Highways Officer: No objection

Wessex Water DC: No objection (following receipt of further information)

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site;
- An advertisement placed in the local press.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process. No third party representations have been received with regard to this application.

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, where applicable, any made Neighbourhood Plans.

Principle of Development

Policy Context

When assessing proposals for annexed accommodation, it is essential to determine whether the development genuinely constitutes an annexe or whether it functions as an independent dwelling. An annexe should have a clear physical and/or functional relationship with the main dwelling. This means it must be subordinate in scale and use, and typically reliant on the main house for access, services, or shared facilities.

This means considering:

- Physical relationship – proximity to the main dwelling, whether it is attached or detached, and how it integrates with the existing residential curtilage.
- Functional relationship – whether the annexe is intended for use by family members, whether it shares access, garden space, or utilities, and whether it is dependent on the main house for day-to-day living such as provision of care.

In assessing whether the accommodation is ancillary, consideration should be given to the presence of self-contained facilities such as a separate kitchen, bathroom, and independent access. These features may indicate a level of autonomy inconsistent with ancillary use and could suggest the accommodation functions as a separate dwelling.

Where the proposed accommodation does not demonstrate a clear physical or functional relationship with the host dwelling, it may constitute a new dwelling and therefore not in accordance with the terms of what has been applied for i.e., ancillary accommodation.

Assessment

Although set at the very rear of the curtilage of the main dwelling, with the shared access, parking and turning area there is a relatively intimate relationship between the main dwelling and subject building – indeed, the latter was previously proposed to be used as a garage to the main dwelling.

The change of use of land which has been required in order to site the building is relatively minor in scale (as per the above plan extracts: 22sqm) and is not considered to result in any materially adverse impact compared to the previously approved scheme; the site remains bound by the paddock land and associated building to the south.

It is understood that the annex has previously been used as accommodation for the Applicant's parent but is currently empty; it is unclear who will occupy the annexed accommodation going forward; however, it has been confirmed that there is no intention of the annex being sold off separately and the Applicant is agreeable to a planning condition to this effect if the application is acceptable in all other regards.

Conclusion

The Annex generally meets the criteria for ancillary accommodation, in particular through the relatively intimate relationship between the buildings. The site is in a location where the local planning authority would not favourably consider an independent dwelling (the site is not considered to constitute 'infill' development) and as such a Condition restricting the use to ancillary is considered necessary and appropriate. On balance, and in the context of the building itself having been previously approved in the main, the application is considered acceptable in principle.

Design and Impact upon the upon the character and context of the area

Policy Context

Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

Assessment and Conclusion

Although the main dwelling is of low, single-storey form, the subject building does appear as subservient, and in any case, it is acknowledged that the building aligns with the scale of building previously approved, including the dormer windows. The only material difference (other than the siting) being the previously approved scheme showed an external staircase, which has been internalised in the existing building. With no material changes in planning policy since determination of that previous application, it is considered that to raise an objection on grounds of scale and design would be inconsistent with that previous decision. However, in order to ensure that there is no future overdevelopment of what is a relatively small and constrained plot, a Condition removing permitted development rights is considered necessary and appropriate.

Amenity

Policy Context

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties.

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

Assessment and Conclusion

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects. In all these regards there is not considered to be any materially harmful impact arising.

Highways Impact

Policy Context

Core Policy 57 (xiv) of the Wiltshire Core Strategy seeks to ensure that development must meet the requirements of Core Policy 61. This policy requires proposals to be capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure compliance with parking standards set out in the Local Transport Plan.

The National Planning Policy Framework (NPPF), particularly Paragraph 115 and 116, requires that development proposals do not have an unacceptable impact on highway safety and that safe and suitable access to the site can be achieved for all users.

Assessment and Conclusion

The annex shares a vehicular access with the main dwelling and there is no potential for the severing of these given their spatial arrangement. The parking provision, as shown on the

submitted plans, shows adequate parking and turning space and there is not considered to be any adverse impact in terms of highway safety. There have been no third- party representations in these regards. It is noted that the Highway Officer previously recommended a condition requiring that the garage not be used for habitable accommodation; however, in this case, they have confirmed no objection and for these reasons, there is no conflict arising with Core Policies 60, 61 and 64 (WCS) arising.

Heritage Impact

Policy Context

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

Assessment and Conclusion

The site is within a designated Conservation Area and also forms part of the setting of an adjacent listed building: 1 and 2 The Barton and Plangeross. However, as with matters of scale and design, these were largely considered during the determination of the previous application and considered, on balance, to be acceptable. The application is not considered to give rise to any harm to the Conservation Area above what was previously considered to be acceptable, and with no further comment from the Conservation Officer, there is not considered to be any heritage harm arising, and thus no conflict with Core Policy 58 (WCS) or Section 16 of the NPPF.

Drainage and Flood Risk

Policy Context

Core Policy 67 of the Wiltshire Core Strategy and paragraph 181 of the NPPF requires that all new development avoids increasing flood risk on-site or elsewhere and, where appropriate, incorporates 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.

Assessment and Conclusion

The site is within flood zone 1 and not shown to be at any elevated level of flood risk. However, during determination of the previous application the route of the foul pipework which runs across the site was noted as a specific constraint. Whilst Wessex Water initially responded to this application with a holding objection, on receipt of further clarification and confirmation that the building, as erected, is sited outside of the 3m protection zone of this pipe, they have confirmed acceptability. As such, and with no other flood risk or drainage issues arising, the application does not conflict with Core Policy 67 (WCS) or the NPPF in any regard.

Other issues

Given the nature and scope of the proposal, its siting and the fact that it has been in existence since c.2021, there are not considered to be any specific **ecology** or **landscape** issues arising.

CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

The principle of development is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy, and also taking into consideration the relevant factors for ancillary accommodation and the previously approved scheme.

There are no other impacts which give rise to any specific conflicts with the development plan or NPPF, and which would justify refusal of the application. In particular, matters of design and scale, heritage, residential amenity and highway safety and flood risk / drainage are all considered acceptable; there are not considered to be any matters of ecology, landscape, or any environmental impacts arising from the proposal.

Accordingly, the proposal is considered acceptable in planning terms and in accordance with the Wiltshire Core Strategy, the National Planning Policy Framework, and all other relevant material considerations, and is recommended for approval accordingly.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - L100/P01: Location Plan
 - L101/P02: Existing and Proposed Site Plans
 - L104/P02: Proposed Floor Plans
 - L105/P02: Proposed Elevations(received 09/03/2026 unless otherwise stated)

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

2. The ancillary accommodation hereby permitted shall not be occupied at any time as an independent residential unit or for purposes other than those which are ancillary or incidental to the residential use and occupation of the main dwelling, known as 3 the Barton. The accommodation shall remain within the same planning unit as the main dwelling as a single dwellinghouse (C3).

REASON: The additional accommodation would be unsuitable for occupation as a wholly separate dwelling having regard to the reasonable standards of residential amenity, parking and access and planning policies pertaining to the location of new residential development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.