

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/08924
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Dove House, Little Somerford, Chippenham, SN15 5JW
DEVELOPMENT DESCRIPTION:	Change of use of land as part of associated garden.
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application site is located to the south of Dove House and to the south of that property's residential curtilage. The property is considered to be a non-listed heritage asset and is located within the designated Conservation Area of Little Somerford. The main property is set some way south of the main highway which runs through the village and only glimpses of the property are available from the public realm. The existing garden is relatively narrow and extends south towards a main railway line. It is predominantly laid to grass with some mature trees to the boundaries. The application site is not formally separated from the main garden but there is an informal line of small trees which spread across the garden in this location, some remnants of a post and rail fence and the site is already laid to grass and mown to match the authorized garden area.

PROPOSAL

The proposal is for the change of use of the site to that of garden land only. No built form, boundaries or changes to landscaping is proposed.

PLANNING HISTORY

Proposal / Summary
PL/2023/06637- Construction of hard surface tennis court and surround fencing with associated change of land use.
Refused: 04 January 2024

The current application has been submitted with full cognisance of the preceding application and seeks to overcome the reasons for refusal, which related to the incongruity of the built form in this location; and harm to the character and appearance of the Somerford Conservation Area.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 13 Spatial Strategy: Malmesbury Community Area
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 64 Demand Management

Draft Wiltshire Local Plan Policies

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.

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Historic England's Good Practice Advice (GPA2) - Managing Significance in Decision-Taking in the Historic Environment)
- Historic England Advice Notes 1 - Conservation Areas
- Historic England Advice Notes 2 - Making changes to Heritage Assets illustrates the application of
- policies set out in the NPPF in determining applications for PP and LBC
- Historic England Advice on Setting of Heritage Assets - Planning Note 3

ISSUES

The key issues that need to be addressed in this case include:

- Principle of Development

- Impact on the character and appearance of the settlement and designated Heritage Assets
- Impact on potential future occupiers and adjacent neighbouring occupiers
- Biodiversity Net Gain

CONSULTATION RESPONSES

Little Somerford Parish Council: No Objection

WCC Conservation: No Objection, subject to removal of Permitted Development Rights under GPDO Class E for buildings etc.

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;

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

No letters of representation or comments were received as a result of the publicity.

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 Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

The Settlement Strategy (Core Policy 1) identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. The Delivery Strategy (Core Policy 2) states that new development in the countryside is generally resisted by local and national planning policies. The Delivery Strategy states that outside the defined limits of development, other than in circumstances as permitted by other

policies within this Plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map.

The site lies outside of the limits of development of any settlement, with Little Somerford having no formal designation within the WCS. The site is therefore in the countryside for planning purposes. In such locations, according to Core Policy 2 of the Wiltshire Core Strategy development will not normally be permitted other than in accordance with stated exception policies.

However, it is noted that the site extends to approximately 0.16Ha and is tightly constrained by the linear form of dwellings to the north, the railway line to the south and adjacent, un-associated land to the east, with that boundary formed from a mature tree line and hedgerow. There is no direct access other than through the existing garden and residential curtilage of Dove House. As such, in this instance, it is not considered that this small parcel of land is viable for modern farming practices and its change of use to residential garden land can be supported, subject to site specific assessment and related policy consideration and compliance with other policies contained within the development plan.

Design and Impact on the Character and Appearance of the Area

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

The host dwelling is a former barn building with residential land lying to the north, east and south, with the existing gardens being mainly laid to grass with mature hedgerow and tree lined boundaries. There are very limited views from the public realm and a significant degree of separation would remain between the southern end of the site and the adjacent railway line.

Whilst the proposed change of use would markedly increase the size of the site, the land in question is already segregated from open agricultural fields by way of the mature hedgerow to the eastern boundary. It is apparent that this land is not farmed as part of the open field and with the use of large, agricultural machinery, this type of “set a side” is not considered unusual in rural farming communities where small pockets of land are not viable for modern farming methods.

This current proposal has been submitted in response to a preceding refusal, which proposed the change of use of the same site, but which also included a hard surfaced tennis court with tall boundary fencing. That development was considered to significantly impact upon the open nature of the site and detrimental impact upon the character and appearance of the area.

It is noted that the current scheme is limited to the use of the land as a residential garden only with no built form, additional fencing or boundary treatments. The existing planted boundaries will remain unchanged. The applicant has advised in their supporting statement, their agreement that this can be controlled by way of planning conditions. In this instance, such conditions are considered appropriate and necessary and can be appended to any grant of permission.

The Parish Council have not objected to the proposal and no letters of representation have been received

In this instance, there would very limited visual impact with the formal adoption of the land to residential garden and conditions to restrict any additional built form, the LPA would be in a position assess such development going forward. The proposal is therefore considered to result in very limited impact upon the character and appearance of the rural area, and as such is considered to accord with CP57, relevant local and national design guides and the guidance and provision of the NPPF.

Impact on Heritage Assets

From the perspective of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require 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 Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. The National Planning Policy Framework (Section 16) places great emphasis on the conservation and enhancement of the historic environment, recognising that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be architectural, or historic as set out in the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 S 1. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

Paragraph 212 states 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.....This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm”.

In addition, WCS Core Policy 58 seeks development to protect, conserve, and where possible to enhance the historic environment and WCS Core Policy 57 expects a high standard of

design in all new developments. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

In terms of the significance of the Conservation Area, the Little Somerford Village Design and Conservation Area Statement notes that its “character is defined by three main factors: the tranquil pasture-land setting, the attractive land forms and foliage which may be viewed through gaps in the settlement from many parts of the village, and the historic clusters of smaller buildings around larger ones”. The significance of the Conservation Area is therefore considered to arise primarily from its aesthetic (fortuitous) and historical (illustrative) value and given its designation its value is significant in these terms.

The Council’s Conservation Officer was duly consulted for their specialist views. In this instance, the proposed development is considered to lead to a neutral impact upon the conservation area, the nearby listed buildings and non-designated heritage assets and can be supported. There is no objection, subject to conditions to remove Permitted Development Rights for Class E, which comprises buildings, enclosures, swimming pools etc.

Such a condition is considered appropriate and necessary in this instance, given the heritage value of the area and the location of the site. It is also considered appropriate to include Class F to that condition, which restricts hard surfacing within the curtilage of a property.

Amenity

Core Policy C57 of the adopted Wiltshire Core Strategy requires new development having 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 (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

In this instance, the nearest neighbouring dwellings would be Manor Farm. Given the reasonable separation distance from the neighbouring properties and the domestic nature of the scheme, it is unlikely that the proposal would have significant adverse impact to be detrimental to the amenity of the neighbouring properties. Therefore, there is no objection in this regard.

Highways Impacts and Parking

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local

Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Given that the domestic nature of the proposal, and its discrete location, the scheme would not affect the existing parking and access arrangement, and therefore no highway objection is raised.

Landscape Impact

Policy CP51 of the adopted Wiltshire Core Strategy seeks to protect, conserve and where possible enhance landscape character and must not have a harmful upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

In this instance, the site is not located within a local or national landscape designation. The site would not be overlooked from any public vantage points. As such, there is no landscape objection to the proposal.

Ecology and Biodiversity

Biodiversity net gain is a mandatory requirement under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to a pre-commencement condition that the development delivers at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

In line with NPPF and with CP50, applications that do not fall into the category where BNG is required, must still ensure that no net loss of functional habitat for the benefit of wildlife in the local area will occur as a result of the proposed development. In addition, it is expected that gains for biodiversity, relevant to local habitats and wildlife populations will form part of the proposed development.

In this instance, the application is considered to fall within the “de minimus” exception to Biodiversity Net Gain but the onus is on the applicants/developers to confirm their compliance with this new legislation outside of planning as the legislation is deemed, regardless of any permissions granted. The site is also considered to comply with CP50 of the WCS as the very limited development of the site is not considered to remove any ecological features resulting in no net loss.

Conclusion

It is, therefore, concluded that the proposed change of use to residential garden in association with the existing residential property and its existing curtilage as per the plans submitted, would be of an acceptable scale and design to maintain the character and appearance of the area and result in a neutral impact on the designated heritage assets.

The proposal would therefore accord with the aims and objectives of the Wiltshire Core Strategy and other Government guidance and is recommended that planning permission be granted for the proposal.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to 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, all received on 10 November 2025

Application Form.

Planning Statement.

P-Site-01. Location Plan.

P-Site-02. Proposed Block Plan.

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

3. WE1 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending those Orders with or without modification), no development within Part 1, Classes E and F shall take place on the land hereby permitted as residential garden land.

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 such additions.

4. WE7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), 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 on the plans hereby approved.

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