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BY EMAIL TO: lucy.rutter-dowd@wiltshire.gov.uk

Lucy Rutter-Dowd
Planning Officer
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Dear Lucy

Planning Application: PL/2026/02219

All Cannings Village Shop – Variation of Condition 2 – Removal of existing temporary shop building and the erection of a permanent shop

I act on behalf of the owners of Croft House which is the property most impacted by this development and situated to the south-west of the application site. Having assessed the planning history of this site together with the proposed plans and submitted Planning Statement, it is my professional opinion that the application should be refused. In short, the increase in height of the building compared with the approved plans is significant and now is considered to cause harm to the character and appearance of the Conservation Area as well as causing harm to neighbouring residential amenity.

Background

As you will be aware, the planning consent PL/2024/04962 was a finely balanced decision. This is set out in the officer's report and comments raised by the Conservation Officer. The building work commenced in February 2026 and it is evident that the newly submitted retrospective plans show a significant change in terms of overall height and design of the building – whilst the previously approved plans may have been just on the acceptable side in terms of harm, there can be little doubt that the subject plans now do represent harm. It would represent inconsistent decision making on behalf of the local planning authority to consider that the subject plans were acceptable when clearly the previously approved plans were only granted following a finely balanced planning judgement having been made. This would be particularly relevant should this application be approved and then the decision assessed by way of Judicial Review.

This is a highly sensitive site being situated within the All Cannings Conservation Area and with the village being within the washed over National Landscape (formerly Area of Outstanding Natural Beauty). Furthermore, the village hall is identified within the Conservation Area Appraisal (adopted March 2003) as an unlisted building but of 'significant' value within the Conservation Area.



Figure 1 - Red solid buildings = Listed Buildings; Red outline buildings = Significant value buildings within Conservation Area

The 04962 Officer's Report correctly identified the importance of the site in terms of the heritage asset. National planning policy relating to the historic environment is provided within section 16 of the NPPF. It advises in paragraph 202 that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 205 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. It explains that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss to a heritage asset's significance should require clear and convincing justification and needs to be weighed against identifiable public benefits. The guidance advises that local planning authorities should look for opportunities for new development within conservation areas or the setting of heritage assets to enhance or better reveal their significance.

Paragraph 212 advises where proposals would lead to substantial harm to the significance of a designated heritage asset, the proposals should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four listed criteria therein apply. Paragraph 215 advises that where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposals, including, where appropriate, securing its optimum viable use.

The NPPF defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' and says the extent of the setting is not fixed and may change as the asset and its surroundings evolve. It also explains, 'Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'. Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (GPA3, December 2017) recommends using a stepped approach to assessing the impact of development on setting. The first step is to identify which heritage assets are affected, followed by assessment of the degree to which the settings contribute to significance. The effects of the proposed development on the significance can then be determined.

The previous officer's report stated:

The site is to the rear of the historic Village Hall, which has been identified as a significant unlisted building within the All Cannings' Conservation Area: it is therefore a heritage asset that positively contributes to the character and appearance of the area.

The proposed building will be sited in the same location as the existing 'temporary' building, and the design a rather unassuming simple timber-clad structure of a similar ilk to the existing situation.

In terms of siting of the building, this is an established situation and therefore there is no objection in this regard. It is acknowledged that the footprint of the building would be slightly larger than the existing (extending north west in the gap between the existing building and the boundary). In this respect, the larger footprint is not an overly welcome situation, as the built form would be increased in this small constrained site however, is not considered harmful in nature given it is infilling a 'dead' space area with no visual value (noting it is hidden from the public realm).

The proposed design of the permanent building is considered slightly disappointing in context to the historic village being flat roofed with no particularly attractive features to give the building any merit. The building is not deemed to be of high-quality which would normally be expected for a permanent building in such a sensitive location within the Conservation Area. That being said, the long lasting temporary building is of similar appearance and this building would appear more of a permanent solution, which arguably would be an improvement beyond the existing situation.

It is furthermore acknowledged that due to the scale of the building in terms of footprint, if a more attractive pitched roof was proposed it would add significant bulk to the building which would result in the loss of the low-key rear appearance which is somewhat subservient to the village hall building at present. Furthermore a large pitched roof, given the scale of the building could give rise to unacceptable impacts upon neighbouring amenities. As such the provision of a flat roof, whilst not desirable, is considered on balance an acceptable design in this location.

Figure 2 - Extract from 04962 Officer's Report



Figure 3 - June 2025 street scene image (Google)



Figure 4 - April 2026 image - the building is much more prominent in the street scene

The wording of the officer's report is clear – the approved plans were 'not overly welcome' and a better design 'would normally be expected'. In addition, a pitched roof 'would add significant bulk' which would result in the 'loss of the low-key rear appearance' of the building. The scheme was considered acceptable 'on balance'.

Harm

One aspect of the officer's report which is disputed is the fact that the proposal is hidden from the public realm. This is simply not the case as evidenced by Figure 3. The building is clearly visible when viewed from The Street. Whilst the approved scheme 'on balance' was considered to be subservient to the village hall, the new scheme which is the subject of this new application clearly is no longer subservient due to the significant increase in height and bulk of the building.

Plans have been provided by my client showing the differences in height between what has been built and what has been permitted. The applicants have not offered any such comparison drawing

which is surely something which they should have provided to enable the local planning authority to make a considered decision.



Figure 5 - Plans showing increase in height and scale of the building compared with the approved scheme

In basic terms, the local planning authority now has to assess whether they would have approved the plans as submitted in the subject application should they have come forward originally. The answer must be a resounding 'no'. The increases in height now put the building out of the category of being subservient to the village hall.

The key differences between what has been approved and what is now being submitted can be quantified as:

- The 'Milk Hut' now being incorporated into the main structure of the building – this part of the building is well over 1 metre higher than the approved plans
- This element on the south elevation also has a flat roof and no gable
- It is understood that the company who dispensed milk from the previous hut are not returning when the shop re-opens in May and this asks a further question as to the 'need' argument for this aspect of the proposal upon which the original permission depending greatly (ie the community facility argument which is now lessened with no milk being dispensed)

- The entire structure is now at least 60cm higher than the permission

Not only do the above alterations cause significant additional harm to the character or appearance of the Conservation Area, they also cause increased and unacceptable harm to the living conditions of Croft House by way of overlooking and overbearing development to that property. The officer is invited to view the proposal from Croft House and it will be evident that the Milk Hut and the main structure of the shop now overlook the private external spaces of Croft House. The officer will note the very prominent nature of the building from both Croft House and in relation to the village hall.



Figure 6 - View from garden of Croft House – the milk hut is clearly prominent and causes loss of amenity and privacy



Figure 7 - Building no longer subservient to village hall

The Development Plan

In terms of the Local Plan, the previous scheme had regard to Core Strategy Policy 48. This policy seeks to improve rural living but not at all costs. Whilst the previously approved scheme was acceptable 'on balance', the new retrospective plans clearly now fall into the category of having an unacceptable impact on the character of the area.

New shops

New shops in villages will be supported where they are small in scale and would not threaten the viability of nearby centres. Farm shops will be supported where they utilise existing buildings, are small in scale and cause no unacceptable impact on nearby village shops or the character of the area.

Figure 8 - Core Strategy Policy 48 extract

In addition, the proposal is now considered to fail Policy 57 due to the poor standard of design which is no longer a subservient structure to the village hall and will have a harmful impact upon the amenity of Croft House.

Core Policy 57

Ensuring high quality design and place shaping

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

- iii. responding positively to the existing townscape and landscape features 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
- iv. being sympathetic to and conserving historic buildings and historic landscapes
- vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area
- vii. 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

Figure 9 - Core Strategy Policy 57 extract

Those paragraphs of the National Planning Policy Framework which have already been referenced in terms of the impact upon the heritage asset should be referred to in any decision notice refusing this proposal.

Summary

It is clear that the alterations to the plans are considerable. The scheme has now crossed over from being just about acceptable (as evidenced in the officer's report) to harmful. The local planning authority, in the interests of consistent decision making, are respectfully requested to refuse this application on the basis primarily of Core Strategy Policies 48 and 57 and the relevant paragraphs in Section 16 of the NPPF.

Furthermore, the local planning authority needs to consider that the milk dispenser will not be part of this development when, in considering the previous application, it was determined to be a vital component of the community benefit. The milk hut unit therefore should be omitted from the plans and the structure should be demolished unless there is a viable end user for this part of the proposal – currently there is not and so it is difficult for the applicant to argue about the community benefits of the milk dispensary when it no longer will exist.

Yours sincerely

James Cain

James Cain MA(Hons), MPlan, MRTPI (Director)