

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/01824
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	Millstream House, Mill Lane, Westbury, BA13 3ST
DEVELOPMENT DESCRIPTION:	Single-storey extension
RECOMMENDATION:	That Planning Permission be GRANTED

SITE DESCRIPTION/CONTEXT

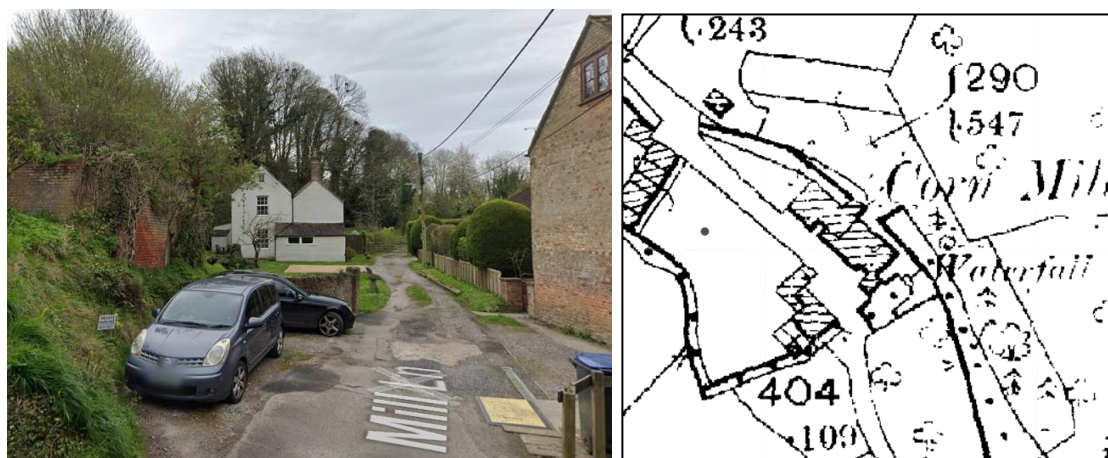
The subject property is a detached, two-storey dwelling, sited within Westbury Leigh, Westbury.



Location Plan and Google Earth Site Photo

The mill stream is still visible behind the cottage, and links back to the watercourse Biss Brook within the village, with the site being mapped as being subject to ground water flooding.

Mill Lane itself, terminates before the property, continuing across meadows as a right of way.



The property is considered a non-designated heritage asset (NDHA) given its historic form and character, and inclusion in the 1st epoch mapping. The 2nd epoch map is included above, as it includes greater detail, showing the site listed as a corn mill within a larger complex.

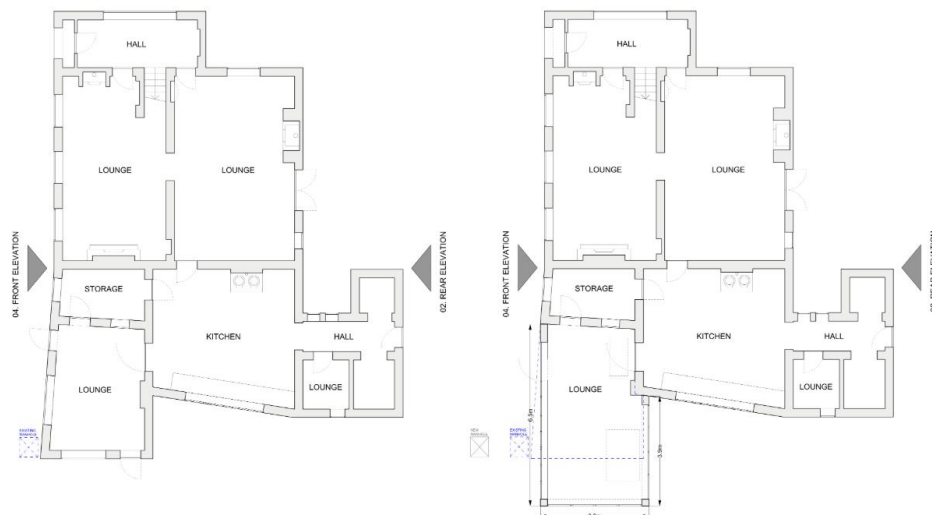
The site is within the grey zone of the TBMS and within the Bath and Bradford on Avon bats Special Area for Conservation (SAC).

PROPOSAL

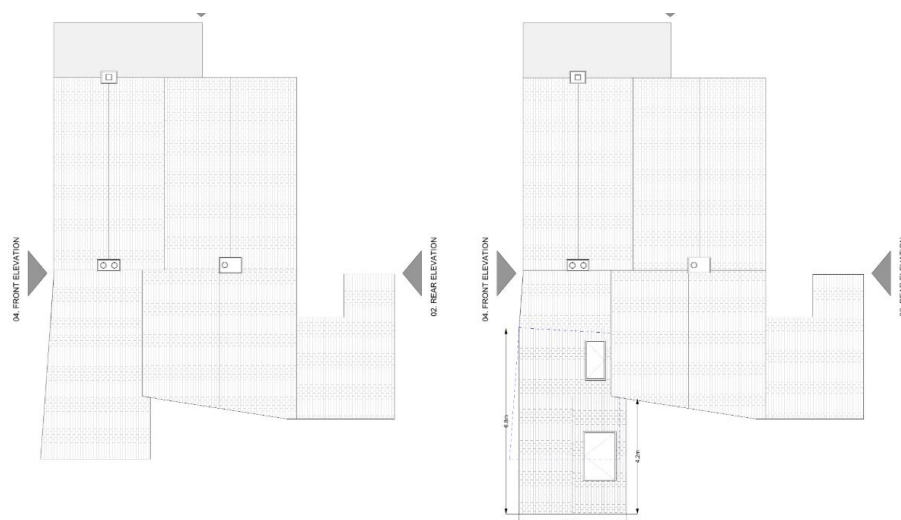
The proposal seeks planning permission for an extension to a single storey garden room.

Proposed materials include an oak frame, on a reclaimed brick plinth to the front only, to match the host dwelling, concrete roof tiles to match, aluminium rooflights and doors to the rear, oak windows/doors to the front and side elevations.

The proposal includes rebuilding the front wall of the living space, which is currently flared, to a straight wall.



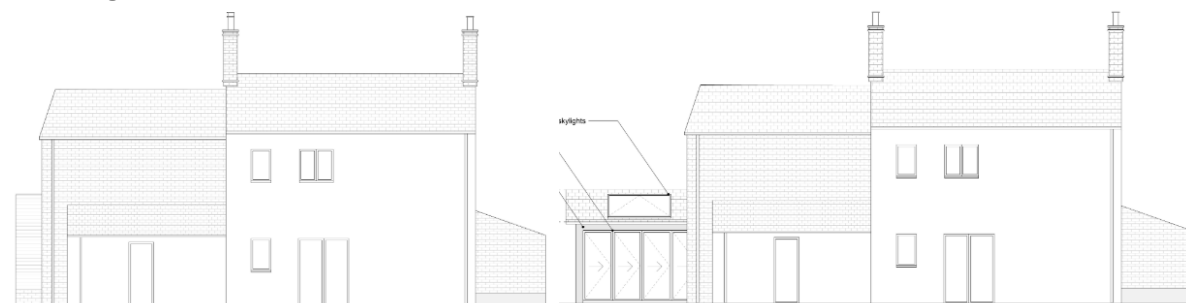
Existing and Proposed Ground Floor Plan



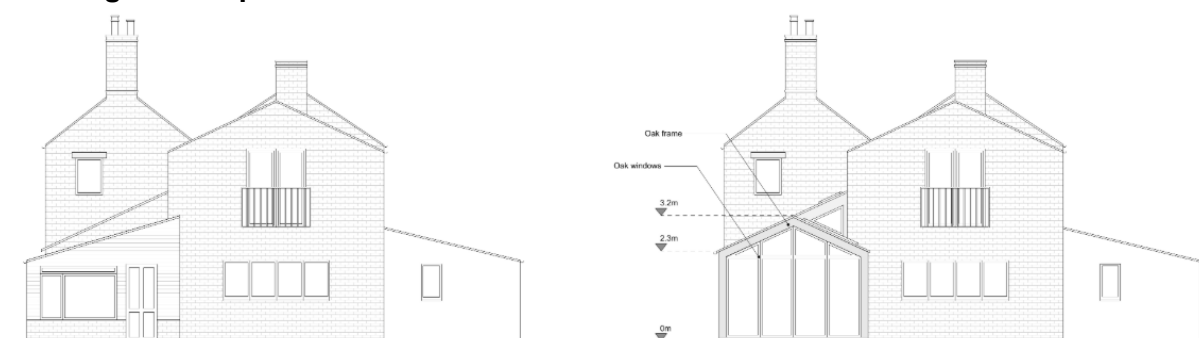
Existing and Proposed Roof Plan



Existing and Proposed Front Elevations



Existing and Proposed Rear Elevations



Existing and Proposed Side Elevations

PLANNING HISTORY

W/76/00993/HIS - Re-siting of Animal Ford Store Implement shed/Greenhouse – approve
 PL/2022/01187 - Proposed removal of the existing structures on site and replace them with a 3-bed, 2 storey dwelling with parking and outdoor space – approve with conditions

RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)
 National Design Guide
 Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

Wiltshire Core Strategy:

- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 67: Flood Risk

Dilton Marsh Neighbourhood Plan, made 2017

CONSULTATION RESPONSES

Westbury Town Council: **No objection.** Westbury Town Council would like a condition to be implemented to ensure that the instructions of the Rights of Way Officer must be complied with concerning use of WEST26 for access to the property during construction, and seek reassurance that steps will be taken to ensure that the watercourse will not be interfered with. A Design and Access Statement would have been appreciated to assist Councillors in their deliberations, as would a Construction Management Plan.

Rights of Way: **No objection, subject to a planning informative.**

The site is accessed via a public footpath (WEST26) over which there is no recorded public vehicular right of access. As this is an existing property and access, I am making an assumption that the applicant has a well-established private vehicular right of access. The footpath is a highway maintainable at public expense. It should be noted that it is the responsibility of the Highway Authority to maintain the surface of the path only to a standard suitable for use on foot. The applicant would be responsible for the repair of any damage caused to the footpath during construction works. I have no objection subject to informatives being imposed as part of any approval:

REPRESENTATIONS

No 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, where applicable, any made Neighbourhood Plans.

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

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.

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.

Paragraph 216 states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

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 CP 57: 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 property makes a positive contribution to the character and historic legibility of the area; the subject dwelling would have once been the hub of the area as an important corn mill.

The existing single storey side structure appears to have altered many times, with the existing structure being of limited significance, being a single storey element where once there would have been a larger mill structure. Sales photos show modern materials and form which does not explain the splayed front wall. The splaying could be explained as a modern infill maximising and replicating the plot size, so whilst it would be a shame to lose this feature, the modern infill structure, it is acceptable.



Sales Photos

The proposed roof form and scale, echoes that of the host dwelling and single storey linking structure, meaning the proposed extension and rebuild would harmonise successfully with the host dwelling.

The retention of a brick plinth of recycled bricks, proposed oak frame, windows and aluminium bifold doors and rooflights, is considered appropriate to the rural character of the area.

The proposal, by virtue of its scale, design, and use of materials, is considered to preserve the character of the NDHA and wider historic area.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 and 58 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.

Amenity

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.

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.

Given the absence of immediate neighbours, including the proposed new build as approved under PL/2022/01187 on the opposite side of the lane, there are no concerns regarding impact to neighbouring amenity.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

Highways Impact

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.

The Rights of Way officer noted that Mill Lane beside the property is a public footpath (WEST26) over which there is no recorded public vehicular right of access.

The proposal does not include any change to access, nor any increased parking demand. As per the ROW Officer's comments, it is deemed necessary to include informatives to the effect that no construction/demolition vehicles access WEST26 without prior consultation, and that any damage or obstruction of the ROW is a criminal offence, without prior consultation and permission of WC Highway's authority.

The proposed development would not result in any adverse impact on highway safety.

The proposal is therefore considered to comply with Core Policies 57 (xiv), 61 and 64 of the Wiltshire Core Strategy, the NPPF, and the Wiltshire Local Transport Plan.

Ecology Impact

Core Policy 50 of the Wiltshire Core Strategy seeks to protect and enhance biodiversity and geodiversity, including through ensuring that development avoids harm to protected species and habitats.

The National Planning Policy Framework (NPPF), in Paragraphs 193, requires that development minimises impacts on and provides net gains for biodiversity, including ensuring mitigation is secured where harm cannot be avoided.

Given the scale of development, by rebuilding and extension of an existing, occupied structure, any operational impacts would be de-minims. As such, the development complies with Core Policy 50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Drainage and Flood Risk

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.

The site is at increased risk of groundwater flooding. The proposal replaces an existing structure with a small structure of nominally increased dimensions and form. Householder development, within the curtilage of the existing dwelling, is considered minor development under the Flood Risk planning guidance and, barring a few exceptions not relevant here, *“are unlikely to raise significant flood risk.”*

The proposal is deemed to be safe for its users for the intended lifetime of the development with respect to the level and nature of the flood risk, meaning the proposal complies with Core Policy 67 of the Wiltshire Core Strategy and the policy in the NPPF, ensuring that flood risk is not increased and that surface water drainage is appropriately managed.

The proposal therefore complies with Core Policy 67 of the Wiltshire Core Strategy and the policy in the NPPF, ensuring that flood risk is not increased and that surface water drainage is appropriately managed.

Biodiversity Net Gain

Householder planning applications are exempt from the requirement to deliver Biodiversity Net Gain under Schedule 7A, Section 4(2)(a) of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021.

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 Wiltshire Core Strategy, the Wiltshire Local Plan, and the National Planning Policy Framework. As such, the application is recommended for approval, subject to conditions.

RECOMMENDATION: That Planning Permission be GRANTED subject to conditions.