

DESIGN & ACCESS AND PLANNING STATEMENT



May 2026

Middle Hill House, Middlehill, Box, Corsham, SN13 8QS

Householder planning application for the erection of a pool/gym and pool on the area occupied by a tennis court.

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Appendix 1 - Appeal at Jessamine Cottage, Cold Ashton (APP/P0119/D/25/3361657)

Appendix 2 – Appeal at 2 Bathway Meadows, Lower Swainswick
(APP/F0114/W/25/3359593)

1. INTRODUCTION

- 1.1. This Planning and Heritage Statement has been prepared by Context Planning Ltd on behalf of Dr & Mrs Butt (“the Applicants”) in support of an application for planning permission for the construction of a detached pool/gym building following the removal of the existing tennis court at Middle Hill House, Middlehill, Box, Corsham, Wiltshire, SN13 8QS (“the Site”).
- 1.2. The Site lies within the designated Green Belt, the Cotswolds National Landscape and the Middlehill Conservation Area. Middle Hill House itself is a Grade II listed building. The neighbouring Longridge House, Spa House and Spa Cottage to the east are also Grade II listed. The former coach house immediately to the west (now in separate ownership and known as Middle Hill Coach House) is considered to be curtilage listed.
- 1.3. The Applicants previously explored an earlier iteration of the scheme which incorporated a larger building containing a music studio, and gym which sat against the shared boundary with Middle Hill Coach House. The scheme responds to earlier concerns raised and provides additional policy justification for the proposal.
- 1.4. The development comprises the redevelopment of the existing all-weather tennis court which lies to the northwest of the main house. The existing tennis court, its tall steel perimeter fence and gate would be removed as part of the proposal. The proposed pool building has been designed as a detached, single-storey ancillary structure to the main dwelling. Externally it presents as a traditional ancillary outbuilding with a pitched roof. The elevations are formed in coursed Cotswold rubble stone, under a slate roof. Conservation rooflights are provided to the principal roof slopes.
- 1.5. The pool/gym building is proposed as an ancillary domestic outbuilding to Middle Hill House, with no independent residential or commercial use. The Applicants are content for the use to be controlled by a planning condition restricting the building to purposes incidental to the enjoyment of the main dwellinghouse. The location of the pool granted under PL/2025/06950 and PL/2025/07190, has also been amended to now sit within the

area of the current tennis court.

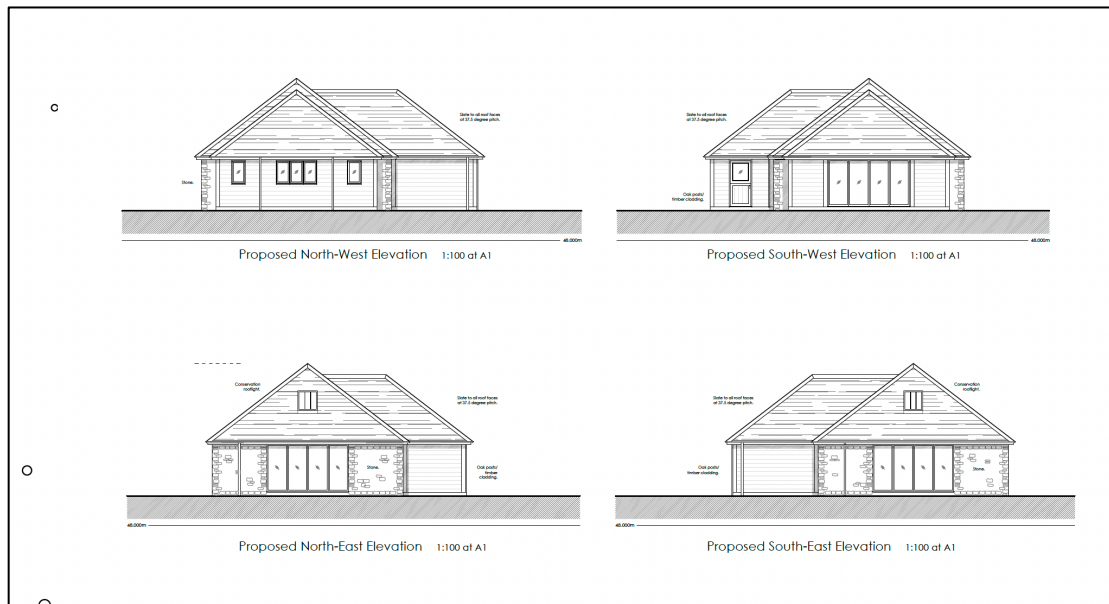


Figure 1 – Proposed elevations

2. POLICY BACKGROUND

- 2.1. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development Plan

- 2.2. The Statutory Development Plan is primarily comprised of the Wiltshire Core Strategy (adopted in January 2015) and Saved Policies of West Wiltshire District Plan 1st Alteration (2004).

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- 2.3. Core Policy 51 (Landscape) requires development to protect, conserve and where possible enhance landscape character, including the special qualities of the AONB / National Landscape.
 - 2.4. Core Policy 57 (Ensuring high quality design and place shaping) requires a high standard of design, including responding positively to the existing built and landscape context, being sympathetic to and conserving historic buildings and historic landscapes, and ensuring appropriate amenity for adjoining and proposed occupants.
 - 2.5. Core Policy 58 (Ensuring the conservation of the historic environment) requires designated heritage assets and their settings to be conserved and, where appropriate, enhanced in a manner appropriate to their significance.
 - 2.6. CP61 (Transport and New Development) ensures that development proposals achieve a suitable connection to the highway that is safe for all road users, and that appropriate levels of parking are provided within the site. Policy CP64 (Demand Management) and LTP3 Car Parking Strategy adopted by the council in February 2011 includes Policy PS6 (Residential Parking Standards), which sets minimum parking requirements for new development.
 - 2.7. Green Belt designations within Wiltshire are dealt with via cross-reference to national Green Belt policy in the Framework rather than via stand-alone Core Strategy policy. The Framework provisions identified above therefore directly apply.

National Planning Policy Framework (NPPF 2024)

- 2.8. Paragraph 39 of the NPPF advises that “Local Planning Authorities (LPA) should approach decisions on proposed development in a positive and creative way...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible”.

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- 2.9. Paragraph 135 guides that planning decisions should ensure that developments will “function well and add to the overall quality of the area”; ‘are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”.
- 2.10. Paragraph 143 states Green Belt has five purposes: “A. to check the unrestricted sprawl of large built-up areas; B. to prevent neighbouring towns merging into one another; C. to assist in safeguarding the countryside from encroachment; D. to preserve the setting and special character of historic towns; and E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”
- 2.11. Paragraph 154 sets out the exceptions and forms of development that are not inappropriate in the Green Belt. These exceptions include ‘(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;... (g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- 2.12. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and National Landscapes which have the highest status of protection.
- 2.13. Chapter 16 of the Framework sets out policy on conserving and enhancing the historic environment. Paragraph 212 requires that great weight be given to the conservation of a designated heritage asset, irrespective of whether any harm amounts to substantial or less than substantial harm.
- 2.14. Paragraph 215 requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate,
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securing its optimum viable use. Paragraph 219 encourages new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

Statutory duties

- 2.15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 2.16. Section 85 of the Countryside and Rights of Way Act 2000 (as amended by s.245 of the Levelling-up and Regeneration Act 2023, which came into force on 26 December 2023) imposes a strengthened duty in relation to National Landscapes. The decision-maker must “seek to further the purpose of conserving and enhancing the natural beauty” of the National Landscape. This is a more demanding duty than the former “have regard” test.

3. MAIN PLANNING CONSIDERATION

Principle of Development

- 3.1. The application site is located within the designated Green Belt. Wiltshire Core Strategy explains that development in the Green Belt should be determined in accordance with national policy.
- 3.2. The National Planning Policy Framework (NPPF) explains that the Green Belt serves 5 purposes:

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- (a) to check the unrestricted sprawl of large built-up areas;
 - (b) to prevent neighbouring towns merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns; and
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.3. As laid out in paragraph 154 of the NPPF, development in the Green Belt is inappropriate unless one of a number of exceptions applies. The development proposed accords with two of these exceptions, and therefore does not comprise inappropriate development.
- 3.4. Paragraph 154 exception c) is *‘the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building’*.
- 3.5. In the High Court in *Warwick District Council v SSLUHC* [2022] EWHC 2145 (Admin) Mrs Justice Lang held, on the facts, that an outbuilding could be considered an extension where it would be used for purposes *“clearly related to the occupation of the dwelling”*, would be *“in the same location on the site, relatively close to the dwelling and within a group of buildings closely associated with it”*.
- 3.6. The proposed pool/gym building would be a normal domestic adjunct to Middle Hill House, used solely for purposes incidental to the enjoyment of the dwelling. Although positioned a short distance from the main house, this spatial relationship must be understood in the context of the substantial scale of the host dwelling and its extensive garden and grounds. Within such a large residential curtilage, a modestly separated structure remains functionally and visually part of the same domestic unit. The building would sit comfortably within the established curtilage of Middle Hill House, in a location already characterised by ancillary domestic activity, including the existing tennis court, , and associated outbuildings. It would therefore form part of a coherent group of structures closely associated with the main house, reinforcing its role as an integral component of the residential planning unit.

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- 3.7. In these circumstances, and applying the approach endorsed by the High Court, the proposed pool building clearly falls within the meaning of an “extension” for the purposes of paragraph 154(c). It would serve a purpose plainly related to the occupation of the dwelling, would be located within the same part of the site as the existing cluster of domestic structures, and would remain closely associated with the dwelling in both physical and functional terms.
- 3.8. This is the same approach which Wiltshire Council has already accepted in granting permission for a suite of domestic outbuildings on this site alongside the extension to the house (ref PL/2025/06950 and PL/2025/07190). It must therefore be considered whether the proposal results in a disproportionate addition overall and above that of the original building.
- 3.9. There is no definition of ‘disproportionate’ within the NPPF, the National Planning Practice Guidance (NPPG) or the Development Plan. As no definitive number as to what constitutes a limited extension is cited in policy, a planning judgment must be made on a case-by-case basis. The ‘original building’ is however defined in the glossary of the NPPF, as ‘a building that either existed on 1st of July 1948 or, if constructed later, as it was originally built’.
- 3.10. As part of the assessment of PL/2025/06950 and PL/2025/07190, when considering whether the outbuildings were extensions and whether they were proportionate, the case officer previously concluded;

“With regard to the new domestic outbuildings, it is the case that NPPF policy would regard such features to be inappropriate development in the Green Belt. However, for the purposes of Green Belt policy, case law has held that such outbuildings, where they are functionally and physically related to another existing building, may be considered as an extension, and therefore against the provisions of paragraph 154(c). In this case — [the outbuildings] are modest; they are domestic in character and typical of such a large rural residential plot; they remain subordinate to the main house in height, footprint and presence; they lie well within the established garden envelope; they do

not project built form into previously open countryside; they do not change the perceived massing of the dwelling or its curtilage. Accordingly, applying the 154(c) test, the outbuildings do not amount to a disproportionate addition to the 'original building' for Green Belt purposes."

"The proposals comprise modest extensions and domestic outbuildings that fall within the categories of development that are not inappropriate under NPPF paragraph 154. The scale, siting, and enclosed garden context ensure that the development does not result in a disproportionate addition to the dwelling, nor does it harm the openness or purposes of the Green Belt. The development is therefore not inappropriate development in the Green Belt."

- 3.11. The Case Officer helpfully identified a six-limb test by reference to which an outbuilding falls within paragraph 154(c) on this Site and when assessing its proportionality: (i) modest scale; (ii) domestic character typical of a large rural residential plot; (iii) subordinate to the main house in height, footprint and presence; (iv) within the established garden envelope; (v) no projection of built form into previously open countryside; (vi) no change to the perceived massing of the dwelling or its curtilage.
- 3.12. A pool/gym building is a domestic ancillary use and appropriate for a country house of this scale and status. Whilst the proposed building may be larger than a typical outbuilding, the proportionality must be considered in the context of the site and the original building/dwelling. Middle Hill House is a three-storey country house set in a large garden. The proposed building is single-storey throughout, and due to the use of light colour materials of a similar hue to the main dwelling, will be recessive in appearance. Its scale is modest in the context of the substantial host dwelling and its extensive grounds.
- 3.13. The building sits on the footprint of the existing tennis court in the north-western corner of the established residential curtilage. It does not extend the developed envelope of the Site. It is sited on an area that has accommodated lawful permanent built development since 1989. No part of the proposal encroaches onto undeveloped land.

The proposed building is set back from all curtilage boundaries and is contained within the wider designed landscape of the property.

- 3.14. A swimming pool has already been granted under the application reference PL/2025/06950 and PL/2025/07190. This now moves the pool into the tennis court area, lessening the overall impact when compared to the earlier scheme. The proposed swimming pool will not impact upon the openness of the Green Belt.
- 3.15. There will be no change to the perceived massing of the dwelling or its curtilage, the building is comprehensively screened from any public viewpoint outside the Site by mature boundary planting, the topography of the wider grounds, and the intervening built form of Middle Hill House itself and the former coach house. Visually, the pool building appears a proportionate addition to the main house.
- 3.16. The usual approach in assessing proportionality would also look at the volume increase over the original building. Wiltshire have no defined acceptable increase but typically Local Planning Authorities accept that an increase of up to 50 percent can be considered appropriate, with some being more restrictive suggesting that around a third would be considered to be proportionate.
- 3.17. Middle Hill House was constructed in the 18th century and was therefore in existence on 1 July 1948. The original 1948 volume of the building complex, comprising Middle Hill House itself together with the ancillary buildings recorded on the OS map of 1938 and confirmed by the 1961 map was 2,761.3m³ (the dwelling itself had a volume of 1,958.4m³). Since this time, a large number of outbuildings have been removed but they can be considered as part of the original building.
- 3.18. Including all proposed works under the previously approved application together with the proposed pool/gym building, taking account of the removal of buildings that were in place in 1948, the cumulative volume would now be 2,884m³. This represents a cumulative increase of approximately 4.4% over the original 1948 volume, well within the range typically accepted by Local Planning Authorities and far below any

benchmark of disproportionality. The increase between the original and the proposed (including previously approved extensions/outbuildings) would be very small and could not be considered to be disproportionate.

- 3.19. Overall, mathematically and visually, the proposed extensions would represent a proportionate addition to the 'original dwelling' and therefore complies with local and national policy. It is established that where development falls within one of the exceptions in paragraph 154, it is not inappropriate development and no separate openness assessment is required (see *Turner v SSCLG* [2016] EWCA Civ 466).
- 3.20. The proposal is properly characterised as an extension within paragraph 154(c). In the alternative, and to the extent the Council prefers to assess the proposal as a redevelopment, it equally satisfies paragraph 154(g).
- 3.21. The updated NPPF (December 2024) provides greater flexibility for development in the Green Belt. It amends the wording of exception g) of paragraph 154 to the following; *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- 3.22. Under exception g) the previous version of the NPPF required an assessment to be made as to whether the development would have a materially greater impact on openness of the Green Belt, whereas the development now requires an assessment as to whether there is substantial harm. This is a significant shift in policy.
- 3.23. Previously developed land is defined in the Glossary of the NPPF as follows:

'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface

infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape’.

- 3.24. The residential garden exclusion only applies to gardens *in built-up areas*, and a rural garden does not fall within the exclusion. Middlehill is a small rural hamlet of dispersed houses set in open countryside, surrounded by woodland, arable land and pasture. The application site is itself directly occupied by lawfully constructed permanent built form: the tennis court (constructed under planning permission N/89/00717/FUL in 1989). It is not a “built-up area” within the ordinary meaning of that phrase. As the site is not located within a built-up area, and forms part of a residential garden, the site complies with the NPPF definition of previously developed land (as per Court of Appeal judge in Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141). The above exception is therefore relevant.
- 3.25. The assessment of whether a dwelling was in a built up area was dealt with at a recent Appeal at Jessamine Cottage, Cold Ashton (APP/P0119/D/25/3361657 - reproduced at Appendix 1). Like the application Site, Cold Ashton lies within the Green Belt and the within the Cold Ashton Conservation Area. The site was part of a small number of dwellings along a main road. At paragraph 8, the Inspector held: *“The appeal site consists of a residential garden in a rural location which is not ‘built-up. The appeal site therefore constitutes previously developed land, as defined in the glossary to the Framework, and the Council do not dispute this.”* That conclusion is directly transferable to the present Site.
- 3.26. A similar approach to the assessment of whether land constitutes previously developed land was taken in the recent appeal at 2 Bathway Meadows, Lower Swainswick

(APP/F0114/W/25/3359593 – reproduced at Appendix 2). As with the present Site, the appeal property lay within the Green Belt and within a Conservation Area, and comprised a residential garden associated with a dwelling on the edge of a small cluster of properties.

- 3.27. At paragraphs 8–10 of the decision, the Inspector found that the site, despite being adjacent to residential properties, was an “*open area of land laid to grass*” and *not located within a built-up area*.
- 3.28. The Inspector’s reasoning is directly applicable to the present Site: it is residential garden land within the Green Belt, associated with a small group of dwellings, and cannot reasonably be characterised as “built-up”. Accordingly, the same conclusion, that the land constitutes previously developed land under the Framework, should be reached here.
- 3.29. Having established that the application site is previously developed land, the only remaining test under paragraph 154(g) is whether the proposed redevelopment would cause substantial harm to the openness of the Green Belt. This is a deliberately high threshold. The mere fact of some loss of openness is not enough, the test is whether the harm to openness would be substantial.
- 3.30. The application site is currently occupied by an all-weather tennis court enclosed by a tall steel chain-link fence. The existing fenced enclosure has a tangible spatial presence. The existing tennis court enclosure is a form of “existing development” against which the openness impact of the proposal falls to be assessed.



Figure 2 – Existing tennis court

- 3.31. The proposed redevelopment consolidates rather than expands the developed footprint. The pool building would sit within the footprint of the existing tennis court. No undeveloped garden land is brought into use as a result of the proposal. The proposal therefore involves no encroachment into open or undeveloped parts of the curtilage, and no incremental loss of undeveloped openness.
- 3.32. The replacement structure a single-storey pitched-roofed building in traditional materials would have a reduced spread when compared to the existing fenced enclosure and would be more compatible with the residential site. While the pool building has greater massing than the tennis court fence taken in isolation, the overall impact on openness is not significant. The Site is entirely screened from any public viewpoint by mature boundary planting, the landform within the wider Middle Hill House grounds, and the intervening built form of the main house and former coach house. As a result, the visual openness of the wider Green Belt would remain unaffected.

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- 3.33. This aligns with the approach in Jessamine Cottage (Appendix 1), where the Inspector relied on the “high degree of screening to the appeal site” in concluding that the development “does not cause substantial harm to the openness of the Green Belt” (paragraph 11). A similar conclusion was reached in Bathway Meadows (Appendix 2), where the Inspector found that views of the outbuilding were “very localised” and that it was read against existing development on higher ground (paragraph 17).
- 3.34. Middle Hill House is a substantial three-storey country house with an established hierarchy of ancillary structures. The footprint of the proposed pool house is a small fraction of that of the main dwelling and its associated outbuildings. In scale and form, the proposal sits comfortably within this hierarchy and would not appear out of proportion in its immediate context. This is consistent with the Inspectors’ reliance in both appeals on the “modest size and scale” of the outbuildings in reaching findings of no substantial harm (Jessamine Cottage, paragraph 11; Bathway Meadows, paragraph 12).
- 3.35. Outbuildings of this nature, pool houses, garden rooms, garages and similar structures, are an expected feature of country house curtilages of this scale. Their presence is consistent with the established residential use and does not introduce any new or discordant character into the Green Belt. This mirrors the Inspectors’ treatment of comparable domestic outbuildings in both attached appeals, where their form and function were accepted as incidental to the enjoyment of the dwelling.
- 3.36. Taken cumulatively, these considerations demonstrate that the proposal would not cause substantial harm to the openness of the Green Belt. Any spatial impact would be localised and contained within the immediate setting of the building, precisely the type of limited effect that both Inspectors found fell well short of “substantial” harm. The proposal therefore falls within the exception at paragraph 154(g) of the Framework and constitutes appropriate development.
- 3.37. Overall, the proposal cannot therefore be considered to be inappropriate development in the Green Belt and should be supported in principle.
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Impact upon significance of designated heritage assets

- 3.38. Core Policy 57 requires a high standard of design in all development which is complementary to the locality through drawing on the local context. It requires developments to make efficient use of land whilst taking account of characteristics of the site and having regard to the compatibility of adjoining buildings and uses, to ensure that appropriate levels of visual and residential amenity are achievable within a development.
- 3.39. Core Policy 58 (Ensuring the conservation of the historic environment) requires designated heritage assets and their settings to be conserved and, where appropriate, enhanced in a manner appropriate to their significance.
- 3.40. The statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be given to preserving the listed building, its setting, and the character or appearance of the Conservation Area.
- 3.41. Middle Hill House is a Grade II listed 18th-century country house whose architectural interest lies in its late-Georgian recasing, its formal southern approach, and the legibility of its historic plan form. The proposed siting of the building lies to the north-western corner of the curtilage, an area historically occupied since 1989 by the existing tennis court. This part of the grounds is visually and physically separate from the principal façades and makes only a limited contribution to the listed building's significance.
- 3.42. The building does not intrude into any important views of its principal elevations. There is no intervisibility between the proposed structure and the key architectural façades, and the proposal does not alter the way in which the listed building is experienced from its formal approach.
- 3.43. Whilst this part of the site is now clearly read as part of the established residential curtilage, by reason of the siting of the tennis court within it, the gradual evolution of how this part of the site is used, and the opening up of historic boundaries between the

tennis court enclosure and the wider lawn, this corner of the site was, until comparatively recently, paddock land. It performed no designed or aesthetic role in the setting of the principal range of Middle Hill House.

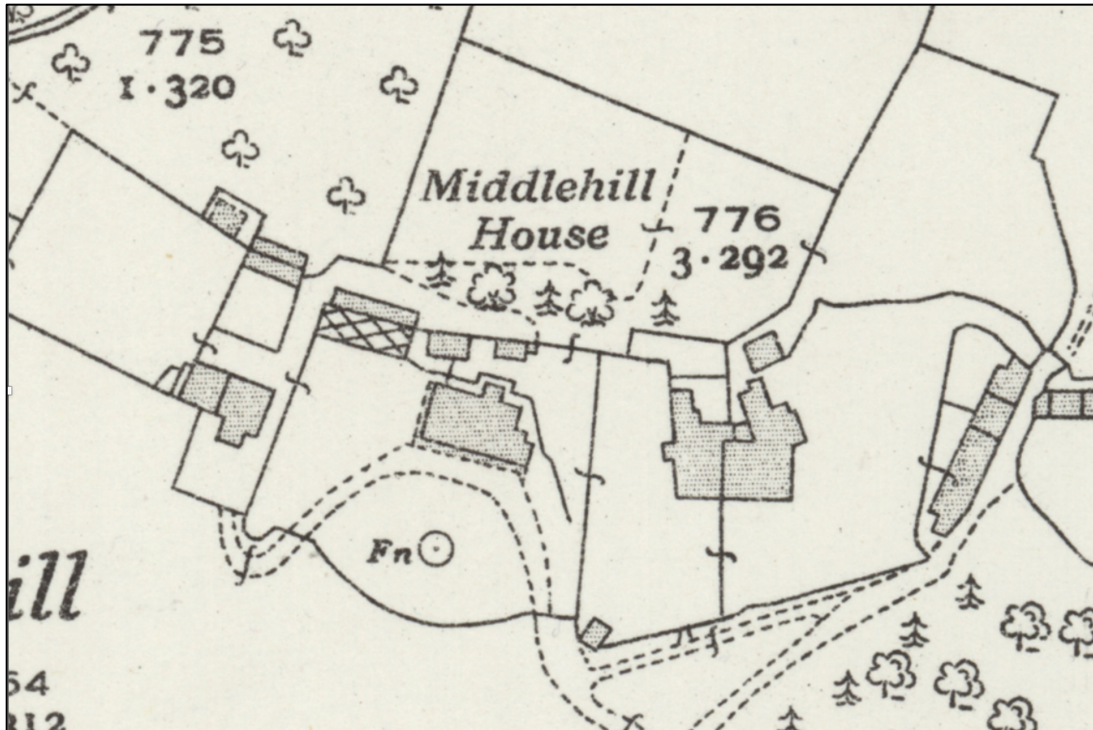


Figure 3 – 1921-1943 OS Map

- 3.44. The historic mapping shows this corner of the site as open paddock or orchard, separated from the formal lawn and ornamental grounds to the south and east by walls and field boundaries. The principal designed landscape associated with the house lies firmly to the south and north, comprising the sweeping driveway from Middlehill Common, the front lawn, and the formal terraced grounds.
- 3.45. The character of this corner of the site has, over the course of the twentieth century evolved away from that historic character and towards a domesticated, ancillary one. The greenhouse range and potting shed, combined with tennis court enclosure, with its tall fence has together, have been part of the site for over three decades. The historic boundaries that once separated this corner from the wider grounds have been progressively opened up to accommodate these uses. The result is that the application

site today reads as an established part of the established residential curtilage.

- 3.46. The introduction of a single-storey traditionally-detailed pool/gym building on the same footprint as the tennis court does not bring about any change in the character of this part of the site. The proposed building is consistent with that established character and does not introduce any new or alien character. The replacement of the tennis court enclosure with a low-eaved, pitched-roof, stone-and-slate building represents a complementary and subservient form. The pool building takes its place in the same hierarchy as the curtilage listed potting shed and garden store immediately to its south. It groups coherently with them as part of an ancillary cluster in the north-western corner of the curtilage.
- 3.47. The use of coursed stone, natural slate and conservation-style rooflights ensures that the building reads as a high-quality, subservient garden structure rather than a competing architectural element. Outbuildings of this nature, pool houses, garden rooms and similar structures, are entirely typical of country houses of this scale and character. Their presence within the garden is expected and does not dilute the architectural primacy of the main house. Overall, the development does not harm the significance of the building through impact upon the setting of the listed building.
- 3.48. The site also lies within the Middlehill Conservation Area, whose character is defined by its verdant, spacious garden plots, mature tree cover and the loose-knit arrangement of historic buildings set within generous grounds. The proposed pool/gym building sits within the private garden and will not be visible from the public realm. The combination of mature boundary planting and intervening built form ensures the building is visually contained. The design adopts high-quality, traditional materials that are consistent with the established palette of the area. Its scale and form are characteristic of ancillary garden structures commonly found within the grounds of country houses, and its placement on the footprint of the existing tennis court maintains the established pattern of development. The verdant character of the Conservation Area is preserved: the proposal does not encroach into open landscape, does not erode the sense of spaciousness between buildings. The development therefore maintains the special

interest of the Conservation Area and accords with Core Policy 58, Core Policy 57, and the 2024 NPPF.

- 3.49. Taking all of these considerations together, the proposal results in no harm to any designated heritage asset, including the listed building, its setting, or the Conservation Area.

Landscape and the Cotswolds National Landscape

- 3.50. The Site lies within the Cotswolds National Landscape, and the strengthened statutory duty under section 85 of the Countryside and Rights of Way Act 2000 (as amended in 2023) requires decision-makers to “seek to further the purpose of conserving and enhancing the natural beauty” of the National Landscape. Paragraph 189 of the 2024 NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
- 3.51. The application site forms part of an established domestic garden, enclosed by mature planting, stone walls and the rising topography of the wider grounds. It does not contribute to the open rural landscape that characterises the wider National Landscape. Instead, it reads as an enclosed, private garden space with a long history of ancillary domestic structures.
- 3.52. The Cotswolds National Landscape Management Plan identifies several key objectives relevant to development within the designation, including conserving the distinctive settlement pattern and vernacular materials; protecting tranquillity and dark skies; maintaining the character of enclosed valleys and wooded slopes; ensuring that new development respects local form, scale and materials; and avoiding incremental suburbanisation of rural landscapes.
- 3.53. The proposal aligns with these objectives. The pool/gym room is modest in scale, single-storey, and contained entirely within the existing garden envelope. It uses traditional materials that reflect the local vernacular and does not introduce lighting,

activity or built form that would extend into the wider countryside. The proposal does not affect tranquillity, dark skies, or any of the special qualities identified in the Management Plan.

- 3.54. The development therefore accords with Core Policy 51, the statutory duty under section 85, the Cotswolds National Landscape Management Plan, and paragraph 187 of the NPPF. The natural beauty and scenic qualities of the National Landscape will be conserved.

Residential Amenity

- 3.55. Core Policy 57 explains that development should have regard to its impact on adjoining uses and buildings ensuring an appropriate level of amenity. The nearest neighbouring dwelling to the Site, is Middle Hill Coach House. The proposed pool house is positioned well within the domestic curtilage of Middle Hill House and is set noticeably further back from the shared boundary than the structures shown in the earlier iteration of the scheme. The submitted plans demonstrate that there is a generous separation distance to the Coach House with several layers of intervening structures, including the potting shed, and stone boundary walls.
- 3.56. The proposed building is single-storey and when combined with the increased distance from the boundary, ensures that it will not appear overbearing when viewed from the neighbouring property. Further, due to the siting of the proposed gym/pool room, and the design of the building, the proposal will not give rise to any loss of privacy.
- 3.57. The proposed uses of the pool house/gym are of a domestic character and will generate no more noise than would ordinarily be associated with a dwelling of this scale. The plant room is located away from the shared boundary and enclosed within envelope of the building. The building is intended solely for purposes incidental to the enjoyment of Middle Hill House. Although there is a secondary access within the grounds which runs adjacent to the proposed building, this does not alter its domestic function. It will be used only by the occupiers of the house and their occasional visitors. A planning

condition can be imposed to ensure that the building remains incidental and is not used as a separate unit of accommodation or for any commercial activity.

- 3.58. Taking all factors together, the proposal will not result in any adverse impact on the residential amenity of Middle Hill Coach House or any other neighbouring occupiers. The development therefore complies fully with Core Policy 57.

Highways, parking and access

- 3.59. No alteration to existing accesses is proposed under this application. No new parking provision is required as the use is ancillary to the existing dwellinghouse. There are no highway safety implications.

Trees and landscaping

- 3.60. The proposal would not require the removal of any tree and would comprise development on an existing area of hardstanding. The mature boundary planting is retained and would continue to provide the comprehensive screening to the Site. The proposed pool building and surrounding terrace would occupy a smaller footprint than the existing tennis court enclosure.
- 3.61. The proposal accords with Core Policy 57(ii) of the Wiltshire Core Strategy, which requires the retention and enhancement of existing important landscaping and natural features, including trees and hedges.

Ecological Implications

- 3.62. A detailed Ecological Impact Assessment was prepared by Windrush Ecology Limited (August 2025, ref. W6330) as part of the earlier application and is relied upon in support of the current proposals. The site lies approximately 1.6km west of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) and Box Mine Site of Special Scientific Interest (SSSI), which lies within the SAC. The Windrush assessment provides the survey information required to inform the Appropriate Assessment under

Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

- 3.63. The proposed swimming pool building occupies the footprint of the existing hard tennis court within the residential curtilage. In UKHab terms this is classified as developed land, sealed surface. The proposals therefore do not result in the loss of any habitat of principal importance under Section 41 of the NERC Act 2006, any irreplaceable habitat, or any habitat of more than site-level ecological value. There will be no loss of trees, hedgerow, vegetated garden as a consequence of the pool building.
- 3.64. The principal residual ecological consideration is lighting, given the sensitivity of horseshoe bats, and the lesser horseshoe in particular, to artificial light along commuting and foraging routes. No external lighting is proposed in association with the building. Internal lighting will be limited by the building's use (a pool/gym building rather than habitable accommodation, with infrequent evening occupation) and by a modest, restrained glazed area. Where internal lighting is provided, it will be designed to minimise external spill: recessed, downward-directed luminaires (down-lighting) avoid horizontal and upward light escape through windows and rooflights, and low-lux specification (low-output lamps, warm colour temperature of 2700K or below, and dimming or zoned control where appropriate) keeps illuminance to the minimum required for the internal use. Combined with the absence of external lighting, this approach protects the dark corridors along the western stream, the garden treeline and the offsite hedgerow where bat activity was recorded by Windrush. These measures can be appropriately secured by planning condition.
- 3.65. The proposals are exempt from the statutory Biodiversity Net Gain requirement under the Environment Act 2021 by virtue of being a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. CONCLUSION

- 4.1. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2. This Statement demonstrates that the proposed pool/gym building falls comfortably within the terms of the Development Plan and national policy. The proposal does not amount to inappropriate development in the Green Belt. It satisfies the test at paragraph 154(c) of the NPPF and also satisfies paragraph 154(g).
- 4.3. The proposal accords with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and with Core Policies 57 and 58. The building is sited in a part of the curtilage that makes only a limited contribution to the significance of Middle Hill House, does not affect important views of its principal elevations, and adopts traditional materials, a subordinate form and conservation detailing that allow it to read as a high-quality ancillary garden structure within the established hierarchy of outbuildings. There is no harm to the listed building, its setting, or the character or appearance of the Middlehill Conservation Area.
- 4.4. The strengthened duty under section 85 of the Countryside and Rights of Way Act 2000 (as amended) is satisfied. The proposal conserves, and where possible enhances, the natural beauty of the Cotswolds National Landscape: the building sits within an enclosed private garden, uses local vernacular materials, introduces no external lighting, and does not affect the tranquillity, dark skies or wider scenic qualities of the designated landscape, consistent with paragraph 187 of the NPPF and Core Policy 51.

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- 4.5. The development gives rise to no adverse residential amenity impact on Middle Hill Coach House or any other neighbouring property, having regard to the separation distance, intervening built form and boundary structures, the single-storey form of the building, and the restriction of its use to purposes incidental to the enjoyment of the main dwelling (which can be secured by condition). It raises no highway safety or parking concerns, requires no tree removal, and retains all important boundary planting.
- 4.6. In ecological terms, the proposal is accompanied by the detailed Ecological Impact Assessment prepared by Windrush Ecology Limited (August 2025). The redevelopment of the tennis court footprint involves no loss of habitat of ecological value, the absence of external lighting and a restrained internal lighting strategy protect the dark corridors used by lesser horseshoe and other bat species, and there is no adverse effect on the integrity of the Bath and Bradford-on-Avon Bats SAC or the interest features of Box Mine SSSI. The proposal is exempt from the statutory Biodiversity Net Gain requirement as a householder application.
- 4.7. Taken as a whole, the proposal represents a well-designed, appropriately sited and proportionate domestic addition to an exceptional country house, on previously developed land, within an established residential curtilage. It accords with the Development Plan read as a whole, with the NPPF, and with each of the relevant statutory duties. The Council is respectfully urged to grant planning permission.

Tessa Hampden BSc (Hons) MSc MRTPI

Appeal Decision

Site visit made on 25 June 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/P0119/D/25/3361657

Jessamine Cottage, The Folly, Cold Ashton, South Gloucestershire SN14 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Lawrence against the decision of South Gloucestershire Council.
 - The application Ref is P24/01799/HH.
 - The development proposed is described on the planning application form as 'Erection of garden building (retrospective) for use as a games room ancillary to main house'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1no. outbuilding to form incidental games room at Jessamine Cottage, The Folly, Cold Aston, South Gloucestershire SN14 8JR in accordance with the terms of the application, Ref P24/01799/HH, and the plans submitted with it.

Preliminary Matters

2. I have taken the description of development, in the banner heading above, from the planning application form. However, in the formal decision, I have used the description of development from the Council's decision notice as it more accurately reflects the proposal before me than the one provided on the planning application form. I have amended the description though by deleting the word 'retrospective' which is not an act of development.
3. I saw at my site visit that the appeal building had been constructed on site.

Main Issue

4. The main issue in this appeal is whether the appeal development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2006-2027, adopted December 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan, adopted November 2017 (PSP) aim to ensure that the Green Belt is protected from inappropriate

development and requires that development in the Green Belt complies with the provisions of the Framework. In these respects, the CS and PSP policies are consistent with the Framework.

7. The Framework identifies that certain forms of development are not inappropriate in the Green Belt, with Paragraph 154 (g) identifying that limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, would not be inappropriate.
8. The appeal site consists of a residential garden in a rural location which is not 'built-up'. The appeal site therefore constitutes previously developed land, as defined in the glossary to the Framework, and the Council do not dispute this. I therefore turn to whether the appeal building causes substantial harm to the openness of the Green Belt.
9. The construction of a building within the existing garden area has undoubtedly resulted in some loss of openness. The building replaces two back-to-back garages although from the limited evidence before me, the footprint of the appeal building is much larger and therefore I only attribute limited weight to this.
10. Nonetheless, the garden is enclosed by a stone wall along the western boundary and established planting to the east. The single storey building is rectangular in shape with stone walls under a pitch roof. It appears to have been excavated into the slope of the land which reduces its overall height to some extent. Located in the garden to the rear of the house and on lower ground, the building is not visible from the road.
11. The simple design, modest size and scale of the building together with the high degree of screening to the appeal site means that the appeal building does not cause substantial harm to the openness of the Green Belt. Accordingly, the appeal building is not inappropriate development in the Green Belt by virtue of Paragraph 154 (g) of the Framework and no conflict with Policies CS5 and CS34 of the CS and Policy PSP7 of the PSP arises.

Other Matters

12. It is clear from the appellant's submissions that the building is to be used for purposes incidental to the enjoyment of the main dwellinghouse. This is reflected in the formal decision in Paragraph 1 above.
13. The appeal site is located within the Cold Ashton Conservation Area (CA). The significance of the CA is derived from it being a visually attractive, historic settlement in a rural landscape setting. For the reasons set out above, including the degree of screening to the boundaries of the site and the design and scale of the appeal building, the impact of the development on the significance of the CA is a neutral one.
14. The appeal site lies within the Cotswolds National Landscape (NL). The NL is characterised by open views. The enclosed nature of the appeal site and modest scale of the appeal building conserves the natural beauty of the area.

15. The appeal site lies close to the Grade II listed White Hart former public house. However, the scale and location of the appeal building together with the existing intervening development means that the appeal building has a neutral effect on the setting of the listed building.

Conditions

16. As the appeal development is retrospective, I have allowed the appeal on the basis of the submitted plans and a time limit condition is not necessary.

Conclusion

17. The appeal development adheres to the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish

INSPECTOR

Appeal Decision

Site visit made on 25 June 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal Ref: APP/F0114/W/25/3359593

2 Bathway Meadows, London Road West, Lower Swainswick, Bath BA1 7DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr William Wright against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/03067/FUL.
 - The development proposed is described on the decision notice as 'Erection of one storey detached outbuilding (retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one storey detached outbuilding at 2 Bathway Meadows, London Road West, Lower Swainswick, Bath BA1 7DD in accordance with the terms of the application, Ref 24/03067/FUL, and the plans submitted with it.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as it more accurately reflects the proposal before me than the one provided on the planning application form. I have amended the description in the formal decision by deleting the word 'retrospective' which is not an act of development.
3. I saw at my site visit that the building had been constructed and was in use as a games room and gym.

Main Issue

4. The main issue in this appeal is whether the appeal development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy CP8 of the Core Strategy for Bath and North East Somerset, adopted July 2014 (CS) aims to ensure that the Green Belt is protected from inappropriate development and kept permanently open. Policies GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset, adopted July 2017 (PMP)

seek to enhance the visual amenities of the Green Belt and permit extensions or alterations to buildings in the Green Belt where they would not represent a disproportionate addition over and above the size of the original. In these respects, the CS and PMP policies are consistent with the Framework.

7. The Framework identifies that certain forms of development are not inappropriate in the Green Belt. Paragraph 154 (g) sets out that limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, would not be inappropriate.
8. The appeal site has the benefit of a Certificate of Lawfulness for an existing use as a residential garden¹. The Framework defines previously developed land as land which has been lawfully developed and is or was occupied by a permanent structure but, insofar as is relevant to this appeal, excludes land that is or was last occupied by agricultural or forestry buildings and land in built-up areas such as residential gardens.
9. Whilst the previous building on the site may have originally been built for agricultural use, it was included within the land identified in the CLU as residential garden land. The Council do not make the case that there has been any other intervening use of the land since granting the CLU. Consequently, the last use of the land was residential garden. In the absence of substantive evidence to the contrary, I conclude that the land was not last occupied by an agricultural building.
10. I now turn to whether the appeal development is located within a built-up area. The host dwelling is located on London Road West, a well trafficked road which is lined with residential development. The host dwelling lies outside the identified Green Belt. In contrast, the appeal site is an open area of land laid to grass. It is located to the south side of the host dwelling and together with other green open space to the north of the River Avon, lies within the identified Green Belt. The Council have not provided evidence that the appeal building lies within the Bath City Boundary and having regard to Policy B1 of the Bath Spatial Strategy, which the appellant has referred me to, it appears that the existing urban area of Bath is defined by the Green Belt boundary, which the appeal site lies outside of. Its inclusion in the City of Bath World Heritage Site (WHS) indicates that it is important to the Outstanding Universal Value of the WHS rather than it being 'built-up'. For these reasons, the appeal site is not located within a built-up area.
11. Taken together, I conclude that the appeal building is located on previously developed land. I must now consider whether the appeal building causes substantial harm to the openness of the Green Belt.
12. The single storey appeal building measures 11 metres by 4 metres and has a flat roof. It is sited close to the boundary of the site and on ground which is significantly lower than the two dwellings to the north identified as 'Serenity' and 'Affinity' on the site location plan. It replaces an earlier building although I do not have conclusive evidence, such as a scale drawings, against which to determine the scale, mass and height of the previous building. Notwithstanding this, the appeal building's simple design, modest size and scale and its siting close to existing development, means that it does not cause substantial harm to the

¹ LPA Ref: 24/01409/CLEU – Use of land as residential garden for a period exceeding 10 years

openness of the Green Belt, even when viewed from the public right of way (PRoW) to the south of the site.

13. Bringing all this together, I conclude that the appeal building is not inappropriate development in the Green Belt by virtue of Paragraph 154 (g) of the Framework and no conflict with Policy CP8 of the CS and Policies GB1 and GB3 of the PMP arises.

Other Matters

14. Any damage which was sustained to the PRoW during construction of the building is not relevant to the matter before me.
15. The appeal site lies within the WHS which is internationally recognised to be of Outstanding Universal Value. There is no evidence before me that the appeal site contributes to the significance of the WHS. Accordingly, the appeal development has a neutral impact on the significance of the designated heritage asset.
16. The Bath Conservation Area (CA) covers a large area and includes the appeal site. The appeal development by virtue of its design, scale, massing, position and external appearance has a neutral impact on the CA as a whole.
17. Although the appeal building can be seen from the PRoW to the south, it cannot be seen from the wider landscape setting. Views of the building are therefore very localised and, as set out above, it is viewed against more substantial development on the higher ground to the north. Consequently, the impact of the proposal on the character and appearance of the area is neutral.

Conditions

18. As the appeal development is retrospective, I have allowed the appeal on the basis of the submitted plans and a time limit condition is not necessary.

Conclusion

19. The appeal development adheres to the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish

INSPECTOR