

APPELLANT STATEMENT

In respect of an appeal by Mr & Mrs W Sherred

against

The refusal of Householder Planning Permission by Wiltshire Council

for

detached double garage and studio

at

Vimy Ridge, London Road, Salisbury, SP4 6DU

LPA Reference PI/2026/01324

May 2026

1.0 INTRODUCTION

- 1.1 This appeal is made by Mr & Mrs W Sherred in respect of the refusal of householder planning permission for a detached double garage and studio
- 1.2 The application and subject of this appeal was refused by the LPA on the 1st May 2026 for three reasons which in summary are;

1 Contrary to H33 in so far as it is tantamount to creating a separate dwelling

And as such

2 Contrary to phosphorus mitigation

And

3 Contrary to New Forest mitigation

Reasons 2 and 3 being an inevitable consequence of reason 1.

See Appendix 1

- 1.3. Given the above the appellant submits that all three reasons for refusal follow a wrongful determination that the proposal is tantamount to the creation of a new dwelling.
- 1.4. From the outset during this application and during a previous application for a detached double garage and ancillary accommodation for dependant persons ref. PL/2025/09353 the LPA has been wrong to assess a Householder application as a Full Application for the erection of a new detached dwelling.
- 1.5 The appellant submits that the reasons for refusal are fundamentally misguided because Policy H33 is not the determining Policy in this case.

2.0 MATTERS OF AGREEMENT

- 2.1 From written evidence we believe the following is agreed :

The application is for a Householder Planning Consent

The new development is located in open countryside

The new development is wholly contained within a residential curtilage

There are no highways objections to the proposal

There are no reasons for refusal on design or material grounds

There are no reasons for refusal on amenity grounds

There are no reasons for refusal per se on siting, landscaping, visual impact or scale

The Appellant would agree to an occupancy Condition

3.0 SITE DESCRIPTION AND PLANNING HISTORY

- 3.1 The site is part of a larger family-owned property in open countryside. Access is off the main A30 London Road. The front portion of the property has established horticultural use which is a family run business. An internal roadway leads to the back part of the site where the Appellants (the grandparents) have a bungalow. The roadway is a shared

access to a new bungalow presently under construction. This is a replacement dwelling initially occupied by the Appellant and children. The new bungalow is being built for one of the granddaughters. The site has miscellaneous buildings related to the horticultural use and it also contains a horse paddock – now redundant. The site has been in single family use for many years. There is plenty of evidence to support the site remaining in family use for generations to come.

The planning history of the site clearly demonstrates a family's commitment to live and work on the land they own.

See Appendix 2

4.00 PLANNING POLICY

- 4.1 The Appellant maintains that the LPA has wrongly assessed the application wholly in relation to Policy H33 of the Wiltshire Core Strategy. There is no Policy that is new or saved within the Core Strategy that specifically deals with new ancillary residential buildings within a private residential curtilage.
- 4.2 There is a Countryside Policy 24 that suggests control of additional buildings must fall within the curtilage and are sympathetic in scale and character. The LPA has conceded that the new building is within the curtilage and is of sympathetic scale and character.

In order to conserve the intrinsic character of the countryside extensions to buildings will only be permitted if they are sympathetic in scale and character with the existing building and surroundings. Additions, i.e. new development which is not necessarily physically linked to the existing building, will be similarly controlled. Extensions and additions must fall within the existing curtilage. Policy C24

- 4.3 Control can be considered under Permitted Development but the proposal fails on numerous grounds so there is no assertion that PD rights apply, however, it may be worth noting that PD rights allow development up to 50% of site area and ancillary buildings such as garden studios, garages, home offices, home gyms and an array of other ancillary residential uses are permitted within the curtilage irrespective of distances from the host dwelling.
- 4.4 The conclusion being that there is always a direct and undeniable link between the host dwelling and any other ancillary building within the curtilage.
- 4.5 There are other Policy considerations that we do not wish to labour e.g. NPPF paragraphs 7-10 in support of economic, social and sustainable development and paragraph 11 that supports approval of sustainable applications where no other relevant Policy is in place.

5.0 POLICY H33

- 5.1 If the inspector agrees with the LPA that Policy H33 is the only Policy under which this application can be ultimately judged, and adherence to it is strictly controlled, then the Appellant would appear to have little chance of an Appeal being upheld. There are however many inconsistencies within Policy H33 that are worth consideration.
- 5.2 The proposed building is deemed to be acceptable as a built form within the curtilage but not the use because it is judged to provide separate living accommodation tantamount to a new dwelling.

- 5.3 There are though, circumstances that allow use of an existing outbuilding for separate accommodation (granny annexe) subject to an occupancy condition or agreement. It is therefore a matter of timing and not outcome as to when an outbuilding becomes legally acceptable for ancillary residential occupation.
- 5.4 It is also not essential for an outbuilding to already exist and be converted to create separate ancillary accommodation, as shown by the approval of a granny annexe at Shirley Cottage, Donhead St Andrew (ref. PL/2025/07253).
- 5.5 It could also be argued that dependant and non-dependant persons are being consistently allowed to occupy, with or without restrictive conditions, new and converted buildings in a variety of guises. For example new and existing outbuildings provide a backbone for Airbnb and other overnight accommodation uses.
- 5.6 Conversion of outbuildings within residential curtilages are being permitted specifically for overnight accommodation in the form of holiday lets - see 16/03697/FUL
- 5.7 New build within residential curtilages also provides residential accommodation and we will show this by example – see Section 8.
- 5.8 Policy H33 is therefore not definitive in either allowing nor preventing new and existing buildings within a residential curtilage being used by dependant or non-dependant persons. Policy H33 is the only Policy that provides a mechanism to support refusal but it is inconsistent and, in many circumstances inappropriate as a determinant of this type of Householder application.

6.0 THE OFFICER`S REPORT

- 6.1 As always, the officers report is professional, well written and well argued but it is the Appellants view that the premise of the determination is flawed by reliance on an inappropriate Policy. It also relies on an argument that the new building is too remote to have a meaningful connection or shared amenity with the host dwelling.
- 6.2 As previously stated, the site has an established history of multi-generational use by a single family. The whole site, including the horticultural business and the recently approved replacement dwelling, demonstrates a connection within the entire site. Also, as previously discussed, there is no suggestion in planning that there has to be a physical proximity between residential buildings in order for them to be permitted.
- 6.3 Due to Building Regulation restrictions placed on the shared access for the new bungalow on the site there is a requirement to form a 20m turning circle for emergency vehicles. This creates a distance to the proposed building that is not considered a matter of inconvenience by the Appellant.

7.0 INFLUENCING FACTORS

- 7.1 The Appellant submits that the planning process should be consistent and fair. Human factors inevitably influence outcomes, and some applications are affected more than others.
- 7.2 In this case, the LPA looked for reasons to refuse from the outset. The first indicator was an attempt to place the proposal outside of the established residential curtilage. The argument being that part of the site was used for the domestic keeping of horses. This

argument failed because the LPA had already accepted and reinforced the residential red line site area when determining the new replacement dwelling.

- 7.3 The officers report concludes that the proposal fails to “demonstrate an essential need for ancillary accommodation”. We submit that this has no basis for support in planning policy or guidance.

The LPA is not a policing authority of an applicants` worth for wanting a garage or a garden studio or summerhouse or any type of Planning consent on their property.

- 7.4 The officers` report states that the site is in the open countryside where there is a general presumption against new development, particularly of a residential nature. There is then an immediate leap to a conclusion that H33 is the relevant policy. This is not a leap made for multitudes of similar applications which we will show later.

- 7.5 The Appellant accepts that the onus is on the applicant to provide the information required to support a planning application but because of the ab initio determination to assess under H33 the opportunity for any discussion around re-siting, re-design, submission of supporting information etc.– all of which is at the discretion of the Case Officer to consider – is stopped in its tracks.

8.0 **PRECEDENT AND MERIT**

- 8.1 The LPA has stated that other outbuildings and annexes quoted as part of the application do not set a precedent as each application is assessed on merit and that this application is materially different.

- 8.2 For context, the Appellants Agent provides the following information. Examples quoted below are predominantly submitted by the Agent so consequently represent a very small percentage of those submitted and approved under current and adopted policies in the Wiltshire Core Strategy.

- 8.3 For examples of new buildings providing garaging and residential accommodation in open countryside and separate from the host dwelling. We submit 2 per decade since 2000

S/2004/689 – double garage, granny annexe and office over within the curtilage of a Listed Building

S/2007/0504 – erection of 4 bay garaging, utility and studio over

17/10285/FUL – erection of new 4 bay garage and store with studio and wc over

17/00417/FUL – double garage, wc and store with studio and bathroom over

PL/2023/05974 – detached garage and garden store with ancillary accommodation over

PL/2025/03539 – detached garage and store with residential annexe over

- 8.4 The above sample of approvals creates new detached buildings providing ancillary residential accommodation.

- 8.5 The following are recent examples for the creation of new build detached “granny” annexes and ancillary residential buildings.

PL/2025/07253 – granny annexe within an AONB

19/10942/FUL – residential annexe within the curtilage of a Listed Building

- 8.6 The following are examples of existing buildings providing new holiday let or ancillary residential use.

16/03697/FUL – change of use of garden room to holiday let

13/03202/FUL – change of use of barn to holiday let

S/2010/1635 – conversion of barn to ancillary accommodation

- 8.7 It is submitted that the above examples demonstrate that under the control of the LPA Planning Policies, either new or adopted, there has been an array of consents that create ancillary residential accommodation within the curtilage and where the leap to state that the proposals are tantamount to creating a new dwelling is not made.
- 8.8 There is no clear rationale why the merits of the above examples outweigh the merits of this application. There are obviously differences but considering the variety of consents granted by this LPA we submit in terms of both precedent and merit the proposal is acceptable.

9.0 **SEPARATION DISTANCES**

- 9.1 It is stated that the proposed annexe is too remote from the host dwelling. We have provided a clear rationale for this but the following distances are quoted as comparisons.

Dimensions are taken between host dwelling main entrance and annexe main entrance

PL/2023/05974 – 32m - New build

17/10285/FUL – 20m – New build

S/2011/0460 – 60m – re-use of existing pool room as residential annexe

S/2007/689 – 30m – New build

10.0 **PUBLIC PERCEPTION**

- 10.1 There is a general lack of knowledge of the planning system by a majority of people and they are unlikely to familiarise themselves with it unless, and sometimes in spite of, being directly involved with their local LPA. Even at Parish Council level and sadly at Ward Councillor level there is often a lack of understanding of how basic planning works.
- 10.2 The Appellant submits that the public perception of the system is manifest in bricks and mortar on the ground. They see results and not the process. It is therefore important for the integrity and respect of the LPA to demonstrate consistency and fairness.
- 10.3 What people perceive of the effects of the planning system directly translates into familiar statements such as “How did they get planning?” “Why can’t we get consent – they did?”
- 10.4 With regard to this type of application the results on the ground are everywhere. We have quoted just a very few examples of applications that result in buildings, at varying distances, separate to the host dwelling being used for a variety of ancillary residential purposes.

- 10.5 The Appellant maintains that unless it can be clearly demonstrated that the application presents material harm, sets a dangerous precedent and has no merit, then there should be a presumption in favour. Perception may not form Policy but it is at the coal face and goes to trust and respect of the LPA.

11.0 CONCLUSION

For all of the above reasons the Appellant seeks approval for what is a very ordinary Householder planning application. It neither shakes the foundations or rattles the roof timbers and to maintain the analogy it provides the Appellant with a building that will be fit for purpose and an asset to the family property.

The Appellants appeal should succeed subject to conditions deemed relevant and necessary by the Inspector.

APPENDIX 1

- 1 The application site is located outside of the settlement boundary within the open countryside where residential accommodation is strictly controlled. Whilst in principle, saved policy H33 of the Wiltshire Core Strategy permits ancillary accommodation for dependant persons in such areas, the current proposal contains no such justification, and the proposed internal accommodation, external appearance, and its position on the site relative to the existing dwellings would appear to create a building tantamount to a new separate dwelling unit. Given the location, the proposal therefore also raises concerns regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors, the lack of pedestrian facilities/safe cycling provision.

In the absence of any justification, and on the basis of the information submitted with the application, the proposed development is considered to be contrary to Core Policies 1 and 2, the criterion requirements of saved Policy H33 of the saved Salisbury District Local Plan, and the aims of the NPPF to control housing development in unsustainable locations. The proposal is therefore contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 109, 110, 115 & 117 of the National Planning Policy Framework (December 2024), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternative in order to promote a sustainable pattern of development.

- 2 Whilst this householder application seeks planning permission for ancillary accommodation, for the reasons set out above the Council does not consider the proposal to constitute ancillary accommodation and instead regards it as a new dwelling. As a result, the site is situated within the River Avon (Hampshire) catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The proposed development is unplanned development and is therefore unable to benefit from the Councils credits for phosphorus mitigation. The application will therefore be required to provide bespoke mitigation to mitigate the impact of these increased nutrients, no such details have been provided with the application submission. The proposal would therefore conflict with Wiltshire Core Strategy policies Core Policy 50 (Biodiversity and Geodiversity) and Core Policy 69 (Protection of the River Avon SAC); and paragraphs 11d(i), 193-195 of the National Planning Policy Framework 2024.

- 3** Whilst this householder application seeks planning permission for ancillary accommodation, for the reasons set out above the Council does not consider the proposal to constitute ancillary accommodation and instead regards it as a new dwelling. As a result, the proposed development site lies within the 13.8km zone of influence for the New Forest protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in combination with other plans and projects. The application does not include proposals to mitigate the impact of the additional recreational pressure and without such mitigation, the Council as a competent authority cannot conclude that the development will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects. The proposal would therefore conflict with Wiltshire Core Strategy Core Policies 50 (Biodiversity and Geodiversity) and 24 (New Forest) and paragraphs 11d(i), 193-195 of the National Planning Policy Framework 2024.

APPENDIX 2

PL/2025/09353 – Householder Planning Permission – Refused Date: 12/02/2026 - Detached double garage and ancillary accommodation for dependant persons

S/1985/0220 - Full planning permission Decision - Approved Date: 8/5/1985 – O/L APPLICATION - SITING OF CARAVAN IN CONNECTION WITH AGRICULTURAL HOLDING

S/1992/1796 - Lawful development: Existing use Decision - Refused Date: 29/9/1997 – APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE AS A DWELLING HOUSE

S/1997/1710 - Lawful development: Existing use Decision - Approved Date: 27/5/1999 – APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE AS A DWELLING HOUSE

PL/2024/01507 - Lawful development: Existing use Decision - Approve Date: 24/4/2024 – Use of a mobile home and laundry block as an independent residential unit (use class C3) with associated amenity space.

PL/2024/04861 - Full planning permission Decision - Approve with Conditions Date: 24/7/2024 – Demolish existing mobile home and erect two bed single storey dwelling

S/81/0680 - Historic apps 1974 to 1983 Decision - Approve Date: 3/7/1981 – Widen to allow easier access, to include laying hardcore and gravel where necessary.

S/82/1119 - Historic apps 1974 to 1983 Decision - Refuse Date: 9/3/1983 – Siting of caravan in Connection with horticultural holding

ADDENDUM

Although not directly related to this Appeal there are other issues that are coincidental and feed into the importance of allowing this type of development where there is no overriding harm and for the Appellant, positive gain.

The Appellant does not wish to claim essential need but there are significant personal health and welfare issues for the family that make an application like this hugely important to them.

It is also important within the context of the local economy and sustainability.

Applications like this are the bread and butter of the construction industry. The reliance on large scale housing developments to provide housing need does little to help sustain the local economy. The local trades, electricians, joiners etc. do not benefit nor do local trade outlets when the LPA grants consent for 2500 houses in Trowbridge or 315 homes at Old Sarum. Local architects, surveyors and other professionals are also unlikely to benefit from major schemes.

This type of application does matter though because the Appellant will employ local professionals, traders and use local builders` merchants. The grass roots of the industry are planted in this type of local domestic work.

Householder applications and consents are important and should be encouraged and supported by all of us who make a living in the construction industry.