

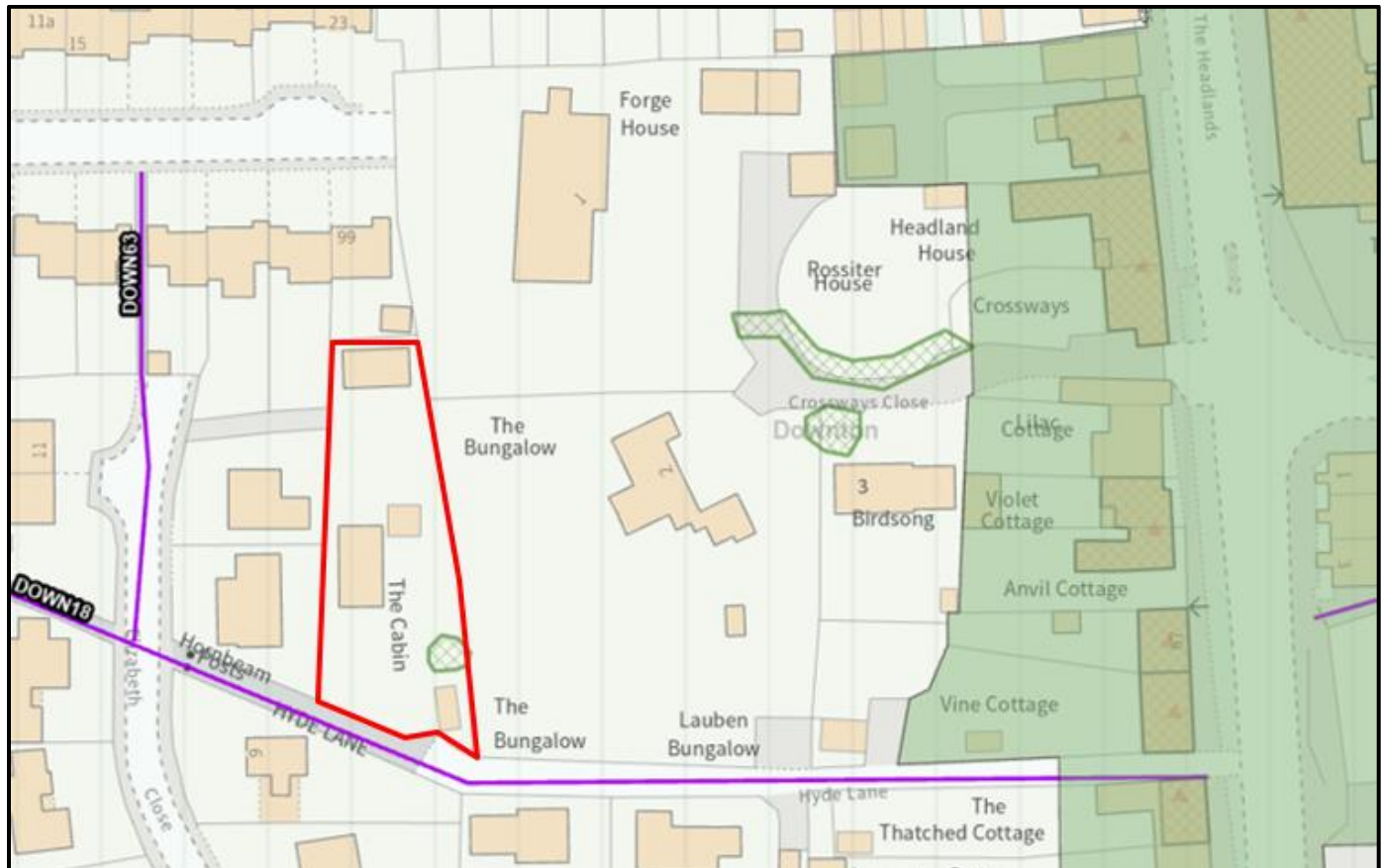
DELEGATED REPORT

Application Reference: PL/2025/09377
Application Type: Planning permission

Site Address: The Cabin, Hyde Lane, Downton, SP5 3NE
Proposal: Proposed replacement dwelling
Recommendation: Planning Permission be GRANTED

SITE DESCRIPTION/CONTEXT

The site is situated within the defined settlement boundary of the Local Service Centre of Downton, as determined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP23 (South Wiltshire Community Area). It is surrounded on all sides by other residential properties and their associated amenity/parking provision. As is identified by a light green wash and vertical hatching on PLAN A below, the site is situated in a Special Landscape Area, as defined by Salisbury District Local Plan saved policy C6. Whilst the site is not in close proximity to any river and is in Flood Zone 1; it is in a high ground water risk area. The site is also within the catchment of the River Avon Special Area for Conservation (SAC); and is within the 13.8 kilometre recreational buffer zone of the New Forest Special Protection Area (SPA), SAC and RAMSAR site.



PLAN A – Site Location & Constraints Plan

As can be seen in PHOTO1 below, this particular site is tucked away, up a very narrow lane (Hyde Lane) which is served from the main A338 off the main Downton junction (to the east). Hyde Lane defines the southern boundary of the site. The site is the last property served by the 'vehicular' part of this lane as it narrows further becoming a pedestrian path as it passes the site and continues to link up to Elizabeth Close

to the west. Hyde Lane (both the vehicular element and the pedestrian element) is a designated Public Footpath (Ref: DOWN18) (as shown by a thick purple line on PLAN A above), which links up to a further Public Footpath (Ref: DOWN63) that extends northwards along Elizabeth Close joining up to Greenacres to the north of the site.



PHOTO 1 – Site & Google Street Scene Photographs of the Site & Environs

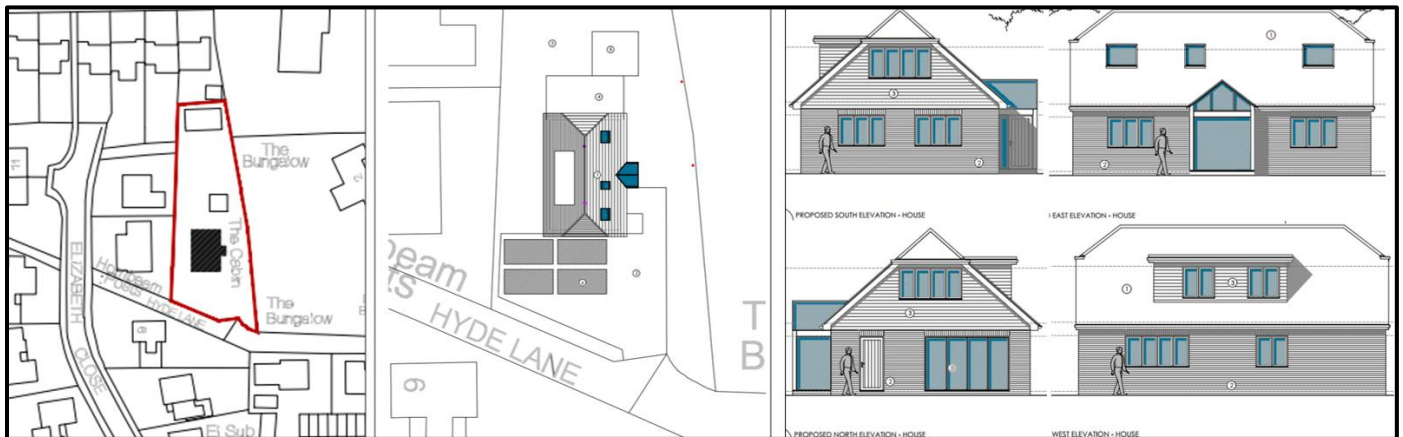
The site currently consists of an extended, single storey, run down bungalow which is set back from the lane but is positioned towards the western edge of the site, with its principal elevation facing the lane. To the front and back of the existing property, domestic gardens exist. An existing driveway runs from Hyde Lane into the south eastern corner of the site, serving a detached outbuilding to the east of the main house. This outbuilding is set slightly further back from the road than the house and is of corrugated sheet construction with a pitched roof and is slightly lower in height than the main house. This building is described as a workshop. A group of trees along this eastern boundary are protected by Tree Preservation Order (TPO) (defined by a green cross hatched bubbles on PLAN A above), underneath which (and entirely overgrown) is a further building constructed with corrugated sheeting, which was formerly a garage.

A detached single storey outbuilding also exists in the rear garden behind the existing house. This is a more modern/permanent structure of brick and tile construction that was granted retrospective planning permission in 2017 (under ref: 17/01510/FUL) for its use as a self contained residential annexe. The annexe is accessed through the site from Hyde Lane to the south. This building is subject to a condition, which limits its use/occupation in association with the main house on this site (The Cabin). A condition was also attached to this permission which insisted that the existing, off site, access driveway (that is in different ownership to the site and leads from Elizabeth Close to the west) should be permanently closed up so that the sole access to the site/annexe would be gained from Hyde Lane.

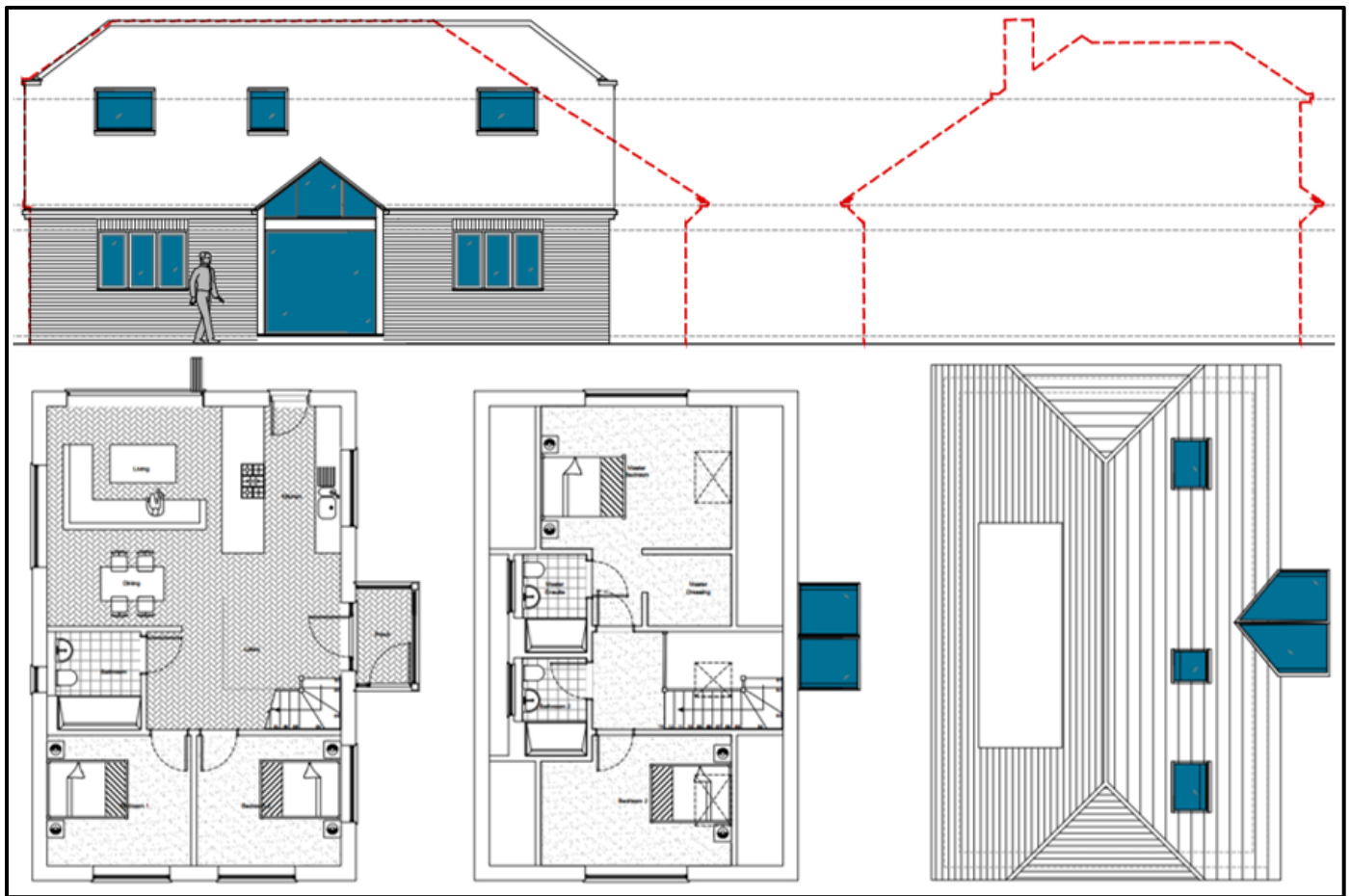
None of the buildings on this site are listed buildings, and the nearest such building fronts on to the A338/The Headlands, to the east (identified by thick black lines and cross hatching on PLAN A above). Downton Conservation Area (identified by a dark green wash on PLAN A above) incorporates these listed buildings and the properties fronting the main road on the junction with Hyde Lane but does not include any other properties in Hyde Lane, or therefore the site.

PROPOSAL

This is a full application proposing the demolition of the existing bungalow and the existing ramshackle garage building, which exists along the eastern boundary of the site under the TPO trees. It then proposes a replacement of the existing dwelling with a new 1.5 storey, chalet bungalow. The upper floor rooms are to be served by a box dormer on the western elevation; 3 roof lights on the eastern elevation; as well as first floor windows in the end gables. The application confirms that the existing annexe building is to be retained and will continue to be used in association with the occupation of the replacement dwelling – mainly be friends and family visiting the main house. The existing workshop to the immediate north of the dwelling is also to be retained and will continue to be used incidentally to the main house.



PLAN B – Proposed Site Plans & Elevations



PLAN C – Height Comparison to Neighbouring Property Heights & Proposed Floor & Roof Plans

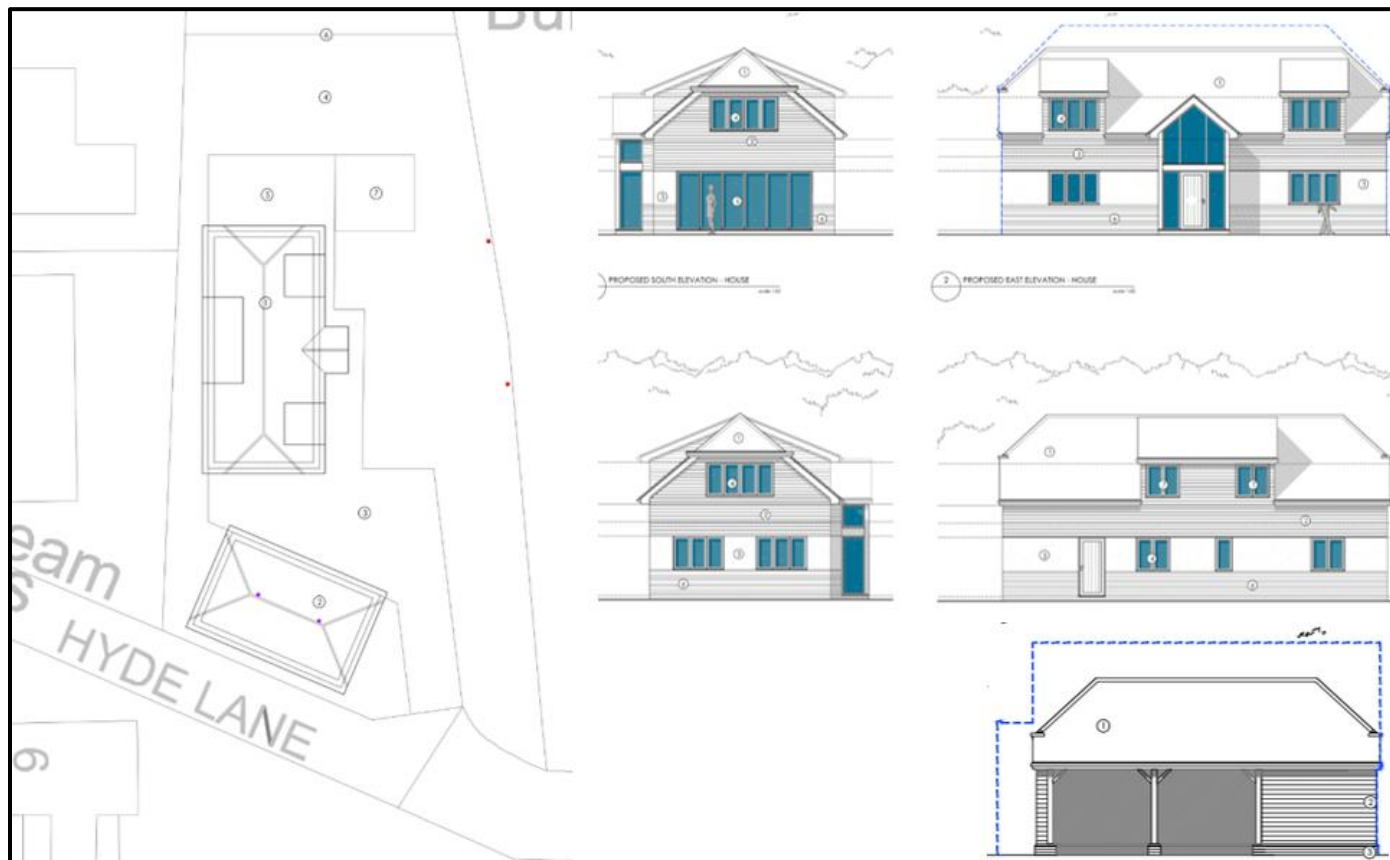
In detail, as can be seen in PLANs B&C above, the proposals involve a dwelling that is to sit perpendicular to the lane (to the south). It is to provide 4 bedrooms of accommodation over the 2 floors; and is to be constructed of half brickwork, half timber cladding under a natural slate roof. The dwelling is to be repositioned more centrally within the plot, so that it is pulled off the western boundary that it shares with the properties facing onto Elizabeth Close. It will however still overlap the footprint of the existing dwelling. The existing access onto Hyde Lane is to be reutilised with a new driveway to the east and south of the dwelling providing parking and turning for up to 4 vehicles. The remainder of the site is to provide front and rear gardens. A series of ecological improvements, including bird boxes in the trees adjacent the eastern boundary (identified with a red dot on the middle site plan in PLAN B above); and bat access tiles positioned within the roof line (identified with a purple dot on the middle plan in PLAN B above) are proposed.

The application is accompanied by an Arboricultural Impact Assessment; Preliminary Ecological Assessments; a Bat Emergence Survey; and a Flood Risk Assessment. During the course of the application, an amended floor plan has been received showing the position of the roof lights identified on the elevations and roof plan.

PLANNING HISTORY

17/01510/FUL	Erection of a self contained detached residential annexe (retrospective). Permission – 24.04.2017
PL/2025/01334	Proposed replacement dwelling covering same footprint as existing and new carport to replace the existing which has fallen into disrepair. Withdrawn

This latter historic application was withdrawn because it was heading for refusal. As can be seen in PLAN D below, it involved a similar scheme for a replacement dwelling on the site, but despite numerous amendments being submitted it was considered that a rethink/redesign was required. The previous scheme ultimately involved a much larger/taller house that was to be positioned on the siting of the existing house and thus in very close proximity to the shared/western boundary of the site. It also involved a front sitting carport which had been significantly reduced in size but was still considered to be visually prominent in the lane; and there were concerns with regards to the impact for TPO trees, BNG and the use of the annexe. The application was therefore withdrawn to enable these issues to be addressed by a redesign.



PLAN D – Plans for Scheme PL/2025/01334

POLICIES

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (January 2021) (NDG)

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):

C6 – Special Landscape Area

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP23 (South Wiltshire Community Area)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)
CP64 (Demand Management)
CP67 (Flood Risk)
CP69 (Protection of the River Avon SAC)
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:

Wiltshire Design Guide (March 2024)
Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Downton Village Design Statement (VDS)
Downton Parish Neighbourhood Plan (NHP)
Wiltshire Local Transport Plan – Car Parking Strategy

ISSUES

The main considerations which are material to the determination of this application are listed below:

- Principle
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Trees
- Ecology
- Flooding
- CIL/S106

CONSULTATION

Highways – No Objection subject to Conditions

- I note the proposals seek to replace the existing dwelling, with a new four bedroom dwelling.
- I also note that the existing access arrangements will remain unchanged.
- I am satisfied that adequate car parking is available on site.
- Therefore, I recommend that no Highway objection is raised, subject to conditions

Public Right of Way Officer – No Objection subject to Informatives

- The property would be accessed by a public footpath (DOWN18).
- This is not recorded as a public vehicular highway.
- The only recorded public rights along it are on foot.
- In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access.
- Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988.
- The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath.
- The applicant is advised to take private legal advice to ensure they have a right of access.
- Assuming the applicant has a private vehicular right of access I would have no objections subject to informatives being added regarding the right of way legal obligations.

Trees – No Objection subject to Conditions

- No objection subject to development being carried out in accordance with the Arb Report and provision of an Arb Method Statement, prior to commencement, to demonstrate how trees will be adequately protected.

Ecology – No Objection subject to Conditions

- I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non- statutory designated sites and existing records of protected species.

New Forest Protected Sites

- The proposed development site lies within the 13.8km zone of influence for the New Forest internationally 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 Conservation of Habitats and Species 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.
- Many of the special features of the New Forest protected sites afforded protection are vulnerable to adverse effects associated with an increase in recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019.
- A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council). This concluded that given the nature of the development and with no net increase in dwellings, there would be no recreational impact on the New Forest, therefore there is no mechanism for adverse effect.
- The Habitat Regulation Assessment (HRA) has concluded that the application is not likely to have significant impacts on the New Forest SPA, New Forest SAC and New Forest Ramsar site and the proposal is screened out of Appropriate Assessment.

Habitat Regulations Assessment: Hampshire River Avon Special Area of Conservation (SAC) Catchment

- This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects, and the suitability of any measures proposed to avoid or mitigate those effects.
- A test of likely significance has been conducted by the relevant Competent Authority (Wiltshire Council). This assessment determined that, due to the nature of the development, with no net increase in dwellings and the lack of any increase in water supply, drainage installation within this development, there will be no mechanism for effect on the River Avon catchment.
- The Habitat Regulation Assessment (HRA) has concluded that the application is not likely to have significant impacts on the River Avon SAC and the proposal is screened out of Appropriate Assessment.

Protected Species

- Field View Ecology Ltd undertook, two dusk emergence surveys between May and June 2025. The results of the surveys detected no emergences from the building.
- The site is assessed to offering low to moderate suitability for foraging and commuting bats.
- The proposed replacement dwelling would not require the removal of vegetation considered to be functionally important for bat foraging or commuting.
- No new lighting has been proposed as part of the development and in the absence of such, together with retention of all vegetation, it is very likely that the functionality of the habitats within the site and their availability to bats will not be adversely affected.
- An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- Where possible, vegetation removal should be scheduled outside the bird breeding season (1st March–31st August) to avoid potential disturbance. If removal during this period is unavoidable, a pre-works nesting bird inspection must be conducted no more than two weeks before tree felling begins.

- The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged.
- Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season.
- Due to the presence of suitable refuge habitat for reptiles, a precautionary method of working is recommended and welcomed. T
- his should include sensitive (phased) vegetation clearance undertaken between April and October. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team.

Biodiversity Net Gain

- From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- Based on the information available the biodiversity gain planning condition is not considered to apply to this application as the application is for self and Custom Build Development, meaning development which:
 - consists of no more than 9 dwellings;
 - is carried out on a site which has an area no larger than 0.5 hectares; and
 - consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- *Note to case officer:* you should be satisfied that the proposals meet the above criteria and act accordingly.

Core Policy 50

- Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 187 d).
- While it is not expected that this development will result in significant loss of habitat, both CP50 and NPPF requires the inclusion of biodiversity enhancements.
- Ecological enhancements are provided through the installation of 5 bird boxes, 2 bat boxes, log and brush piles, and wildlife friendly planting within section 6.1 of the Preliminary Ecological Assessment and section 1.7 of the Bat Emergence Survey Report.
- The location of ecological/biodiversity enhancements must be included in the site plan drawings (see condition below) and will become an enforceable part of the planning permission.

UPDATE:

- The plan indicates a bat access tile; however, it does not specify a bat loft or any internal roosting provision associated with the loft.
- As a result, it is unclear how the access tile functions in relation to suitable bat roosting and how the loft would be designed to incorporate bat roosting measures associated with the tiles.
- The plan also includes 2 bird boxes, whilst the report recommends 5 bird boxes.
- It appears that the details included in the plan and those described in the ecological report are not fully aligned.
- For clarity and consistency, it is important that the plans accurately reflect the measures outlined in the report, including the provision of bat enhancements, which I have referenced in my comments and which formed the basis for requesting a condition.
- I don't have any major ecological concerns regarding the proposals, however, the documents should show the same ecological enhancement proposals in the report and on the plans. Please therefore condition this detail

Drainage – No Objection subject to Informatives

- In planning terms, flood risk refers to the potential for development to increase the likelihood or severity of flooding on-site or elsewhere, while drainage considerations relate to the capacity of the site and surrounding infrastructure to manage surface water runoff in a sustainable and effective manner.

- The local planning authority must be satisfied that the proposed development will not increase flood risk, either on-site or elsewhere, and that surface water will be managed in a sustainable and coordinated manner.
- Where necessary, planning conditions or legal agreements may be used to secure the implementation, maintenance, and monitoring of SuDS and other drainage infrastructure.
- The application has been supported with a Site-Specific Flood Risk Assessment (FRA).
- It should be noted that our comments are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.
- The proposed development involves the replacement of the existing dwelling and carport within the same footprint, ensuring there is no increase in impermeable area.
- The submitted Flood Risk Assessment document confirms that there is no increase in impermeable area, as the development including the driveway and patio, will be replaced on a like-for-like basis.
- Consequently, surface water runoff will remain at existing levels, and no additional off-site flood risk will be created.
- The assessment also identifies groundwater flooding as a potential risk and outlines mitigation measures, the ground floor level will be raised above extreme flood levels, and the design incorporates flood-resilient materials and detailing to minimise damage in the event of flooding.
- These measures ensure compliance with planning policy and maintain safe access and egress during flood events.
- The proposed works are minor in nature and will not result in a significant increase in impermeable area or corresponding flood risk when compared to the existing baseline scenario.
- As such, we have no objections to this application
- The EA's standing advice for minor extensions will apply.
- All new drainage will need to comply fully with Building Regulations Part H (and they should engage with the building control department in order to ensure this).
- In line with the NPPF and National Standards for SuDS, the applicant should seek to use SuDS wherever practicable as part of the surface water drainage strategy.
- Any new connections to sewers will be subject to S106 agreement under the Water Industry Act with the Sewerage Undertaker.

Downton Parish Council – Support subject to Conditions

- Downton Parish Council unanimously agreed SUPPORT subject to the planning condition placed on the ancillary building on the plot of land (planning application 17/01510/FUL) continuing to be observed i.e. the two buildings are not treated as separate dwellings and, should they be sold, are sold together.

REPRESENTATIONS

Letters – 2 letters of Objection received. The following comments made:

- The site is accessed from a narrow lane used daily by young children and elderly adults.
- it would seem unsuitable for the delivery of building materials for the size of building proposed.
- Equally for the removal of demolition materials.
- Has this been considered by the planning authority?
- And what safeguards will be in place for the safety of pedestrians?
- Two of the proposed parking spaces still remain close to our bedroom and would therefore have the potential to impact on our current quality of living
- The plans for a two-storey house to replace the single story bungalow has large windows in the upstairs bedroom that is facing south. The plans show that this building has shifted further south, compared to the original footprint.
- The windows in the upstairs bedroom look directly into our newly built glazed extension (reference PL/2022/02195, completed Xmas 2025). We will lose our privacy and this will lead to a lower quality of life as we will no longer be able to be in the room without being overlooked, we therefore object to this proposal.

ASSESSMENT

Principle:

As is identified above, the site is situated within the defined settlement boundary for the Local Service Centre of Downton, which as per WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP23 (South Wiltshire Community Area), is considered to be the most sustainable location for new development, particularly that of a residential nature. The site is also already in use as a dwelling with associated annexe. The principle of the site's redevelopment with a replacement dwelling is therefore accepted.

As the annexe is to be retained for ancillary purposes to the new house, this element also continues to be acceptable in principle. A condition will be attached to any recommendation to tie the use of the annexe to the new house, in line with the original condition and to ensure it does not become a separate dwelling by default.

This in principle acceptability is however subject to the detail in terms of its implications for the character of the area; highway safety; neighbouring amenities; highway safety; flooding; and ecology. These matters will therefore be addressed in more detail below.

Character & Design:

Whilst the site is situated in a Special Landscape Area, the character of the area is inherently residential. The site is surrounded on all sides by other residential properties and their associated amenity provision. It is not therefore considered that the redevelopment of the site with a replacement dwelling, even of different design and size, will have any implications for the landscape setting of the area. Whilst this particular site is quite large, it is closely bounded by other properties and seen very much against a backdrop of other residential development, with the neighbouring properties of Hornbeam and Oaklands being situated quite close to the shared western boundary. The overall site is however comparatively large and far more spacious than the adjacent dwellings/plots, particularly of those fronting onto Elizabeth Close which are built in a less generous, modern housing estate pattern and grain.

The existing dwelling on this site appears from the lane to be a modest, single storey bungalow with a very modest frontage elevation facing the lane. It has however been extended over time and now covers quite a significant footprint going back into the site. The adjacent detached outbuilding/workshop is also relatively large but sits behind the host dwelling; and the existing annexe is situated at the very back of the long plot. The set back from the road however means all of the built development on this site is fairly discreet in this setting and the space about the house/outbuildings contributes to the overall character of this lane and spacious, verdant character of the site. The site is however a little overgrown.

As can be seen in PLAN E below (and in PLANs B&C above), the proposed replacement dwelling is to have a similarly sized footprint to the existing bungalow, but is to be moved off the western boundary, to be positioned more centrally in the site in order to improve its relationship with the properties along the western boundary, which otherwise have quite short rear gardens backing onto the site. The new dwelling will also sit slightly closer to the Hyde Lane (south) boundary than the existing dwelling but will continue to be set back from the Hyde Lane frontage by at least 10 metres. The replacement dwelling is also to side on rather than front onto the lane and is proposed in a 1.5 storey chalet bungalow design rather than a single storey bungalow.



PLAN E – Comparison Site Plans

There are a range of building types and heights in the vicinity of the site with bungalows (on Hyde Lane) interspersed with 1.5 storey properties (such as Hornbeam to the west) and 2 storey properties (such as 6 Elizabeth Close to the southwest; and the properties on Greenacres to the north of the site). The Comparative Height Plan provided in PLAN C above, confirms that the new dwelling will also have a similar height and roof form to the neighbouring property to the immediate west (Hornbeam). Therefore, whilst the proposals involve a change from a bungalow to a 1.5 storey chalet bungalow, it is considered that the proposed massing and overall height will be in keeping with existing development in the area and will not therefore look out of proportion.

The design of the dwelling is more contemporary than the existing bungalow with the use of full height glazing and timber cladding, but the lane consists of an eclectic mix of vernacular/styles and there is no uniformity to the existing design or pattern of development to which this proposal needs to conform. The proposed dwelling is a little roof heavy, but this will have a similar design to the roof of the property of Hornbeam to the immediate west. There is also a mix of tile hanging; render; brick and timber cladding on other properties in the vicinity of the site and therefore it is not considered that the part brick, part timber cladding design will be out of character with the area. The change in materials between ground and upper floors will also help to break up the overall bulk and massing of the new dwelling. The removal of the detached carport from the scheme and the demolition of the ramshackle garage at the site access will also reduce the prominence of any development on this site and is unlikely now to result in any significant implications for retained TPO trees.

Overall it is considered that the plot can accommodate the larger house; and it will be seen very much in the context of an inherently residential area and against a back drop of similarly proportioned, designed and detailed dwellings. It is not considered that the proposals will therefore result in an unusual, particularly strident form of development and will therefore be in keeping with the general character of the area/street scene and special landscape area.

Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that new development should be designed to ensure that the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF further confirms that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

Previous schemes were considered to raise concern in this regard because of their proximity to the shared boundaries, and in particular the western neighbours. The overall height of the new dwelling has however been reduced and the dwelling has been moved further off the western boundary than previous schemes; and indeed the existing house. There is now a separation distance of at least 10 metres between facing elevations, which will thus improve the current relationship between the site and its western neighbours and reduces any potential impact in terms of loss of light or overlooking that was identified for other schemes. Whilst windows are proposed on the flank wall facing this western neighbour, the first floor windows are to serve bathrooms and can therefore be conditioned to be fitted with obscure glazing. Intervening boundary treatment can also be retained/supplemented to limit any direct overlooking between ground floor windows. It is therefore considered that any potential harm from the development to this western neighbour will be similar (but generally improved) to the existing arrangement and/or is not significant enough to justify a reason for refusal of the scheme.

The existing annexe and intervening TPO tree belt provide sufficient separation from the proposals from the existing neighbours to the north and east of the site. The neighbours to the southwest of the site (4 and 6 Elizabeth Close) have however objected to the proposals, and in particular the proposed change from a bungalow to a 1.5 storey dwelling due to its potential to create overlooking and light spill for these southern neighbours. The residents of number 6 in particular raise concern about potential overlooking over their new conservatory that was built in 2025.

However the site is already in residential use; and the site and neighbouring properties are already situated within an existing built up area. In residential areas such as this, a certain degree of overlooking and inter-visibility is expected and is considered to be acceptable in planning terms. In this case, whilst the replacement dwelling is to come further forward on the plot (and is to increase in height to allow rooms in the roof) the proposed dwelling is still to be set back on its site by at least 10 metres. Hyde Lane, which is designated as a public right of way, then provides further separation between the site and these south western neighbours. The 2 storey property at number 6 Elizabeth Close's rear elevation is situated approximately 17 metres from the proposed facing elevation of the replacement dwelling; and will be at an oblique angle. The neighbour's conservatory at number 4 Elizabeth Close is situated at least 20 metres from the southern site boundary – which therefore means that there is a 30 metre separation distance between the southern elevation of the proposed dwelling and this neighbouring conservatory.

The Wiltshire Design Guide, specifically paragraph 9.2.5, suggests that when new development is proposed adjacent to and overlooking an existing private amenity space, the traditional 'back-to-back' separation of 20 metres is desirable. This however has to be assessed in terms of existing site context and arrangements. It is considered that in this instance the level of separation between properties either exceeds the desirable distance; or is within the realms of acceptability for such a close knit residential area to mitigate any significant potential harm in terms of overlooking. These concerns raised by neighbours cannot therefore be upheld nor used to justify a reason for refusal of the scheme in this context.

Highway Safety:

As is identified above, the main vehicular access to the site is served off Hyde Lane. This lane is very narrow and has a very tight junction with the A338 to the east. It is also designated as a public right of way and indeed reduces to just a footpath as it extends past the southern boundary of the site. The fact remains however that the lane already serves the site, which is developed with a house and annexe and the proposals

involve a replacement of the existing dwelling rather than an increase in the number of units on the site or being served by this lane. The Highway Authority has therefore raised no objection to the continued use of this lane or access to serve the replacement dwelling.

The proposals also identify at least 4 on site parking spaces which thus accords with the Council's adopted parking standards for the size of house and annexe identified. Sufficient onsite turning provision is also identified to enable any vehicles to turn around and enter/leave the site in a forward manner. The Highway Authority has therefore raised no objection to this arrangement either.

Third parties have questioned construction traffic and access however the planning legislation acknowledges that construction disruption and inconvenience is part and parcel of any new development and this in itself cannot therefore be used to justify a reason for refusal of a scheme. The construction vehicles and management will also to some extent be limited/controlled by the width of the lane/junction. The Highway Authority has however suggested that a condition be attached to the decision to ensure that the construction period is properly managed. It is also considered necessary to impose a construction hours condition to limit any impact for neighbouring amenities in this regard.

The Council's Public Rights of Way Officer has also highlighted that the lane is a public footpath and special rights need to exist in order for either construction traffic to use the lane; or for a dwelling to be accessed over such a right of way. However, this matter is also controlled by other legislation. The grant of planning permission does not override such other legislation and the applicant will therefore have to ensure that a right of access does exist; and to operate in accordance with any other laws that may affect the right of way in order to implement this permission. Informatives will therefore be attached to this recommendation to bring this to the applicant's attention.

Ecology:

Protected Species:

Given the verdant, overgrown nature of the site, there is current potential for it to support protected species. The application is therefore accompanied by a Preliminary Ecological Survey and a bat emergence survey. The Council's Ecologist has confirmed that the surveys detected no emergences from the building. The site is therefore assessed to offer low to moderate suitability for foraging and commuting bats. In addition, no removal of vegetation that is considered to be functionally important for bat foraging or commuting is identified; and no new lighting has been proposed. The Council's Ecologist has therefore confirmed that it is very likely that the functionality of the habitats within the site and their availability to bats will not be adversely affected. Conditions are however proposed to ensure that the development does not result in harm for protected species.

River Avon SAC:

As is identified above, this proposal falls within the catchment of the River Avon SAC and has potential to cause adverse effects, alone or in combination with other developments, through discharge of phosphorus in wastewater. The development therefore needs to be appraised in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations) and WCS policy CP69 (Protection of the River Avon SAC).

However this application involves a replacement dwelling and does not therefore involve any net gain in the number of units on the site or within this catchment. The Council's Ecologist has therefore confirmed that a test of likely significance has been conducted which has determined that there will be no mechanism for effect on the River Avon catchment. The Habitat Regulation Assessment (HRA) has thus concluded that the application is unlikely to have significant impacts on the River Avon SAC and the proposal is screened out of Appropriate Assessment accordingly.

New Forest SPA:

As is also identified above, the proposed development site lies within the 13.8km zone of influence for the New Forest internationally protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application also needs to be screened into AA under the Conservation of Habitats and Species 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.

Many of the special features of the New Forest protected sites afforded protection are vulnerable to adverse effects associated with an increase in recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019. Following a Cabinet decision on 7 May 2024, Wiltshire Council's "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £612 (plus legal and admin fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application involving 1 new house on this site.

However, again, as this proposal involves a replacement of the existing dwelling, and no net gain in the number of people in this catchment, the Local Planning Authority is therefore able to conclude that this development will not lead to adverse impacts alone and in-combination with other plans and projects on the New Forest SPA/SAC/RAMSAR sites either; and the proposal is screened out of Appropriate Assessment.

Biodiversity Net Gain:

As of 2nd April 2024 the requirement for Biodiversity Net Gain (BNG) on *all* new sites came into force under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Any small scale (none major)/major scheme will need to demonstrate no net loss and a minimum of 10% net gain in biodiversity on the site, in line with the requirements of the NPPF, WCS policy CP50 (Biodiversity and Geodiversity) and the Environment Act.

The application proposal has however been put forward as a self build/custom build unit which:

- consists of no more than 9 dwellings;
- is carried out on a site which has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Such units are exempt from having to provide the 10% BNG requirement. Based on the information available, the biodiversity gain planning condition is not therefore considered to apply to this application. Self build units however have to be secured by legal agreement to ensure that they come forward as such and thus truly benefit from this exemption. This recommendation is therefore made on the basis that the legal agreement is completed prior to the decision being issued.

However, WCS policy CP50 (Biodiversity and Geodiversity) requires *all* development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 187 d). While it is not expected that this development will result in significant loss of habitat, both CP50 (Biodiversity and Geodiversity) and NPPF thus requires the inclusion of biodiversity enhancements.

Ecological enhancements are identified in the submitted reports through the installation of 5 bird boxes, 2 bat boxes, log and brash piles, and wildlife friendly planting (within section 6.1 of the Preliminary Ecological Assessment and section 1.7 of the Bat Emergence Survey Report). There is a contradiction with how these are represented on the proposed site plan which will therefore need to be clarified by condition detail, but subject to these mitigation enhancements being secured, the Council's Ecologist has raised no objection to the proposals in this regard.

Flooding & Drainage:

As is identified above, whilst the site is situated in Flood Zone 1 some distance from any river; it is in an area that is at high risk of Ground Water Flooding. The NPPF confirms that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk...Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'*. It also suggests that a sequential test approach should be undertaken to avoid flood risk to people and property.

In this instance however the site is already in use for residential purposes and the proposals involve a replacement dwelling and therefore a sequential test is not deemed to be appropriate in this instance. In addition, as the whole site is within this high ground water area, it is not possible for the replacement dwelling to be positioned in a less vulnerable location on the site. Whilst the new dwelling is to be repositioned for other reasons, it is considered that overall no additional impermeable areas will be created as a result of the development which will result in a greater flood risk for either the future or surrounding residents/uses. The application is however accompanied by a site specific FRA which sets out how the design of the unit will be made floor safe. This is welcomed and will improve the current situation and can be controlled by the building regulation stage of the construction. The Council's Drainage Officer has therefore raised no objection to the proposals.

CIL/S106:

As is identified above, this recommendation is subject to a legal agreement being completed to secure the unit as a Self Build unit, to enable it to benefit from the BNG exemption.

As of May 2015, Wiltshire Council also adopted the Community Infrastructure Levy (CIL). Therefore this proposal may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A note highlighting this requirement to the applicant will therefore be attached to the decision accordingly.

CONCLUSION

Whilst the proposed replacement dwelling is to be larger and in a different position on the site than the existing dwelling, it is considered to represent an improvement to the existing development and will serve to improve the appearance of the site and its relationship with neighbouring plots to the west. The new dwelling will also continue to effectively integrate into its street scene/area/Special Landscape Area and will have limited additional implications for neighbouring amenities; highway safety; trees; or flooding than the existing dwelling. Subject to the unit being secured as a self build unit by legal agreement, the development is therefore recommended for permission accordingly.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the completion of a legal agreement to secure the self build nature of the unit; and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate

Ref: 2419/03/01/01 – Existing Site & Location Plan. Received – 28.11.2025

Ref: 2419/03/02/01 Rev A – Proposed Site Plan. Received – 09.12.2025

Ref: 2419/03/03/01 Rev A – Proposed Plans-House. Received – 30.1.2025

Ref: 2419/03/05/01 – Proposed Elevations-House. Received – 28.11.2025

Ref: 2419/03/05/03 – Proposed Elevation-Street Scene (West). Received – 28.11.2025

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

3. No development hereby permitted shall continue above slab level on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No development hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- full details of all boundary treatment with particular consideration to the western boundary which will involve the retention and supplementation of the existing hedgerow
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development; the protection of existing important landscape features; and neighbouring amenities.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. No development hereby permitted shall commence on site until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details; and with the recommendations set out in the submitted Arboricultural Impact Assessment.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the protection of existing and retained trees, some of which are subject to Tree Preservation Orders

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter for the lifetime of the development.

REASON: In the interests of highway safety.

8. No development hereby permitted shall commence on site (including any works of demolition), until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority. The CTMP shall include a site plan, and details of the following:
 1. the parking of vehicles of site operatives and visitors;
 2. Routing plan;
 3. Traffic Management Plan (including signage drawing/s);
 4. Number of (daily/weekly) and size of delivery vehicles;
 5. Number of staff vehicle movements;
 6. Details of temporary/permanent Traffic Regulation Orders;
 7. Phases plan;
 8. Loading and unloading of plant and materials;
 9. storage of plant and materials used in constructing the development;
 10. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 11. wheel washing facilities;
 12. measures to control the emission of dust and dirt during construction;
 13. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 14. measures for the protection of the natural environment;
 15. hours of construction, including deliveries;
 16. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion

The approved CTMP shall be adhered to throughout the construction period and the development shall not be carried out otherwise than in accordance with the approved CTMP

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9. No construction works in association with the development hereby permitted shall take place outside of the hours of 08:00 – 18:00 Mondays to Fridays; 08:00-13:00 on Saturdays; and at no times on Sundays or Bank/Public Holidays.

REASON: In the interests of neighbouring amenities.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area; and for the protection of trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

12. No development hereby permitted shall be first occupied until the first floor windows in the western elevation have been fitted with obscure glass only [to an obscurity level of no less than level 5] and the windows shall be maintained with obscure glazing for the life time of the development.

REASON: In the interests of residential amenity and privacy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no structures, or gate, wall, fence or other means of enclosure shall be erected or placed between the dwelling hereby approved and the existing annexe building.

REASON: To ensure that the annexe and dwelling house remain in the same planning unit and in ancillary use to each other.

14. The existing annexe building on the site (approved under ref: 17/01510/FUL) shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling hereby permitted, known as The Cabin and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

15. The development hereby permitted will be carried out in strict accordance with the following documents:
- Section 1.7 of the Bat Emergence Survey Report. June 2025. Field View Ecology Ltd. Project Ref. ES/CD/24.02;
 - Sections 5 and 6 of the Preliminary Ecological Assessment. 12 November 2025. Origin Arb Ltd. Report Ref. TC0306-1;
 - Arboricultural Impact Assessment Survey. November 2025. Origin Arb Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

16. Notwithstanding the approved plans, no development hereby permitted shall commence on site, including vegetation removal and demolition, until full details of the number, design and locations of opportunities for bats and birds (e.g. bat and bird boxes) have been submitted to and approved in writing by the Local Planning Authority. The enhancements identified shall accord with the recommendations set out in Section 6 of the Preliminary Ecological Assessment (12 November 2025. Origin Arb Ltd. Report Ref. TC0306-1) and shall be implemented in accordance with the approved details before occupation of the dwelling hereby approved. They shall be retained and maintained in accordance with the manufacturer guidelines for the lifetime of the development.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to provide mitigation/enhancement for biodiversity.

INFORMATIVES:

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 2) Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 3) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the permission which has been granted is for development, which is exempt as it involves a self build unit

- 4) In order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take legal advice to ensure they have a right of access.

- 5) The applicant should note that no construction / demolition vehicle access may be taken along DOWN18 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.
- 6) The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way DOWN18 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council
- 7) The applicant should note The Environment Agency's standing advice for minor extensions in areas of flood risk.
- 8) In line with the NPPF and National Standards for SuDS, the applicant should seek to use SuDS wherever practicable as part of the surface water drainage strategy.
- 9) Please note that any new connections to sewers will be subject to S106 agreement under the Water Industry Act with the Sewerage Undertaker.
- 10) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 2nd June 2026.
- 11) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.