



**Retrospective Planning application for Change of use
from existing 4-bedroom dwellinghouse to a mixed
use as a single dwelling and Ofsted-registered
childminder, offering childcare within a home
environment**

31 Conyger Road, SP4 7YJ

Planning and Design and Access Statement

Application Site

The application site is an existing two storey detached residential dwelling located within a predominantly residential area. The property has an existing detached former double garage building located behind access gates which now forms part of the use which is being sought as part of this application. The application site still provides off street parking for up to 3 vehicles and on street car parking provision is available.

Google Aerial view of site:



The Application

The application seeks retrospective planning permission for the mixed use of the property to use part of bedroom 2 on the first floor and the existing garage building at ground floor for childcare within a home environment. The setting is neither a day nursery nor a daycare facility, as those classifications require a different type of Ofsted registration and would indicate that the property is being used solely for business purposes.

Instead, the service provided is that of an Ofsted-registered childminder, offering childcare within a home environment for a maximum of nine children. This type of provision focuses on a home-from-home experience with an appropriate learning environment, rather than operating as a formal nursery setting.

The Applicant's recently relocated their childminding business to this address. The business was previously operating from 7 Trafalgar Square, Winterbourne Gunner, Wiltshire. Due to the significant pressures of moving both their home and their business simultaneously, they unfortunately did not inform the Planning Department of this change at the appropriate time. It was never their intention to disregard any requirements.

They have already informed OFSTED of the relocation and have received their approval to operate at the new address. The first day of business at 31 Conyger Road was 28 April 2026. The updated registration certificate which now refers to this address is submitted with this application.

The business name is Liza's Little Explorers it is open 5 days a week with 9 children everyday

Hours of operating are as follows :0700am to 1800pm

They employ 2 assistants daily from 0830am to 1730pm. They use the garage with no modifications or adaptations and one room inside the dwellinghouse. No signage has been installed and no external alterations to the dwelling have occurred. Images of the arrangements are shown below:









The use now implemented is small scale and aims to provide a safe, nurturing childcare facility within a home environment.

Planning History

There is no relevant planning history. The Applicants were written to by Planning Enforcement and as soon as they became aware of the unfortunate situation they sought to apply retrospectively for this use.

Relevant Planning Policies

The following policy and guidance documents are recognised as primary considerations for the decision of the associated application at the site location:

National Policies:

National Planning Policy Framework (NPPF 2024)
National Planning Practice Guidance

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is also a material consideration.

The current Local Development Plan is the Wiltshire Core Strategy (2015).

In it, they identify the number and locations for houses, jobs and businesses they are planning for, along with the infrastructure needed to support growth.

This includes where children will go to school, where people will work, and how they will get around. It considers issues such as such as new roads, sustainable travel, access to the outdoors using green spaces and the wider countryside. They also include planning policies used to decide planning applications, and settlement boundaries for the towns and villages to protect green spaces.

Relevant Local Plan Policies:

Core Policy 1	Settlement Strategy;
Core Policy 2	Delivery Strategy;
Core Policy 3	Infrastructure Requirements;
Core Policy 31	Spatial Strategy;
Core Policy 48	Supporting Rural Life;
Core Policy 50	Biodiversity and Geodiversity;
Core Policy 51	Landscape;
Core Policy 52	Green Infrastructure;
Core Policy 57	Ensuring High-Quality Design and Place Shaping;
Core Policy 60	Sustainable Transport;
Core Policy 61	Transport and Development;
Core Policy 62	Development Impacts on the Transport Network;
Core Policy 64	Demand Management;
Core Policy 67	Flood Risk;
Core Policy 69	Protection of the River Avon SAC

Wiltshire Design Guide

The Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015).

The Wiltshire Local Transport Plan 4 (LTP4) (March 2025)

At a meeting of full council on 19 May 2026 Councillors voted to withdraw the Wiltshire Local Plan Review from examination.

The withdrawal of the Wiltshire Local Plan Review does not affect the adopted documents forming the development plan for Wiltshire. Whilst the Wiltshire Core Strategy was adopted in 2015 and has a plan period to 2026, its policies are not automatically out of date for the purposes of decision making and will continue to guide development.

Assessment

Principle of development:

Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

i) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure;

ii) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

iii) an environmental objective – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The use is for a specialised small child minding service setting for a maximum of nine children. It does not accommodate large numbers of children and staff and it would provide a stable and carefully managed home environment within a standard residential property during daytime hours.

It is accepted that the use falls within a mixed use due to the numbers of children and occupants at the site at any one time. However, it is nevertheless argued that there is little material difference between the previous use as a large family dwellinghouse and the use now implemented. There is very limited discernable material change of use evident in this case.

Before any type of facility such as this can open, it must gain the approval of OFSTED which has regulatory powers outside normal planning control. OFSTED will require a local risk assessment before approving the property for this use. The Planning is therefore not the only form of regulation which controls the suitability of the location. This has been reaffirmed in a recent appeal decision (APP/A3010/W/23/3322527).

A basic principle in assessing a planning application is whether there is other legislation which is more appropriate to regulate the proposed development. In the case of this type of use, the relevant powers are set out in:

- Care Standards Act 2000
- The Care Standards Act 2000 (Registration)(England) Regulations 2010 The Children's Homes (England) Regulations 2015.
- Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013

The principle of introducing small-scale mixed use within established residential areas has been supported locally where the scale and intensity of use remain compatible with surrounding development.

Core Policy 36 states that the regeneration of brownfield sites will be supported within Market Towns where the proposed use helps to deliver the overall strategy for the settlement.

Core Policy 1 notes that Market Towns have the potential for significant development that will increase jobs in order to help sustain and where necessary enhance services and facilities for better levels of self-containment and viable sustainable communities.

It is considered that the retrospective change of use of a single dwelling to utilise the detached garage and one first floor room within this sustainable suitable location to support additional childcare accommodation would help to achieve this strategy and as such the development is considered to be acceptable in principle.

Design and impact upon the character and appearance of the street scene.

Paragraph 131 of NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place (NPPF para. 135).

NPPF (para.139) advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 139).

Core Policy 57 Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

The development as implemented does not require any significant external works to facilitate the use. Only minor internal alterations to existing rooms to enable the use have taken place.

Such an arrangement is not unusual in this type of use, the dwelling would otherwise remain as existing with bedrooms at first floor and shared facilities retained. The rooms are of adequate sizes along with all the facilities provided to enable a safe and suitable use occurs here.

There is nothing inherent within the layout or wider site including garden area which would weigh against the use now implemented in terms of the facilities offered. The development would on balance comply with the relevant local and national policies.

It is considered that the use does not adversely affect the streetscene, as there are no external changes. The premises still has the appearance of a single dwelling house within a residential environment. There is no evidence that the use of the site for a childminding use for up to nine children would be conspicuous or materially harmful to the residential character of the area.

Impact upon residential amenities

Point vii of Core Policy 57 Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

This type of use can run smoothly with no significant impacts on residential amenity if appropriately managed. It should be noted that five letters of support have been received and are submitted as part of this application. These clearly demonstrate and show the Applicant's commitment to ensure no adverse impacts upon neighbouring residential amenities occur here.

Generally, residential areas are the most appropriate places for these types of use as they tend to exhibit little in the way of outward signs of use and are conveniently located for parents within the area to drop their children off before going to work.

It is accepted that some nursery uses by contrast may well bring long-term harm and significant amenity concerns for joining/neighbouring residents generally as a result of the intensity of the use. However, this is not a typical nursery use it is as stated above an Ofsted-registered childminder, offering childcare within a home environment. Consequently, a key

consideration is whether the level of activity associated with the use could be regarded as an intensification over and above that of the existing use or any other not requiring permission.

In this instance, in view of the number of occupants and the fact the majority of the building is still used as a dwellinghouse, there is no evidence that the former large detached four bedroom dwelling use would not have attracted potentially an equivalent or greater level of comings and goings to the property than the use sought here. Nor that the occupancy of the dwelling by a single multi generational family would not be comparable or potentially worse.

The number of occupants can be controlled through condition through this application. Even with staff coming the level of activity is not envisaged to be substantial or so frequent that it could be regarded as over-and-above that of a typical family dwelling or a large multi-generational family.

The use of the property and outside areas arising from the use is not beyond that of the former use as a single dwelling house or any other not requiring planning permission. There certainly would be the potential for comings and goings and the frequency of visits may be prone to change based on the needs of any future occupant. It is not anticipated that the staff or visitors to the property would generate any undue noise/disturbance which could not be safely accommodated.

There does not exist sufficient evidence to conclude that the application would unduly harm the amenity of surrounding residents, nor be detrimental to the sense of place, safety and community experienced by those residents. The development would therefore, subject to safeguarding conditions not be contrary to Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

In terms of increases in any noise or disturbance at the property and the amount of activity required, it should be noted that whether the change of use would be material or not is something well established by the courts. Notwithstanding whether the use is considered to be within Class C2, or any other Use Class rather than Class C3b, planning permission would not be required if the change would not be a 'material change' of use. It is still necessary to consider therefore, whether that change of use would be 'material'. It is a matter of fact and degree, in the circumstances of an individual case, as to whether a change of use will be 'material'. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings.

The task when considering any adverse impacts upon residential amenity and whether this is in fact a significant material change of use must be to compare against that 'baseline' the character of the current land use with what is now proposed. In so many respects the use would operate in a way that is very similar to a normal family home. The property would still function as a normal single dwellinghouse and it is only the use of the former double garage and the use of one room on the first floor which changes here. The internal layout to all intents and purposes remains exactly the same and functions in the same manner with its primary purpose being as a residential dwellinghouse. On this basis it is maintained that the proposed use, would not be harmful. The application for the change of use has been submitted at the Council's request as they do consider that a material change of has in fact

occurred at this site. However it is our view that the level of activity and the nature of the use is very minimal.

Whilst we acknowledge that this proposal has been submitted as a planning application and not a Lawful Development Certificate, we do not consider that the number of such movements is likely to be significantly more than those undertaken by a family and certainly not enough to result in an intensification of use that would give rise to planning concerns.

The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence in our view to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.

Whilst there will be some additional comings and goings associated with the use, there is no evidence to dispute that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly, the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use.

The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.

Transport and highways impacts.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Core Policy 60 of the WCS states that Council will support and encourage safe and efficient movement of people and, where necessary, mitigate the impact of development on transport users and local communities. Core Policy 61 specifies that development should demonstrate that consideration has been given to a hierarchy of transport users and that proposals must, where relevant, serve as a safe access to the highway network. The WCS, through Core Policy 64, outlines the need for development to comply with a minimum level of parking standards.

Three parking spaces are provided within the curtilage here and on street car parking provision is not restricted. The site is in a suitable sustainable location and due to the numbers of children and limited staff required there is unlikely to be any significant increases in traffic or issues with parking and highway safety.

How vehicles attend the site and when would need to be carefully managed by the applicant/property manager however there is no evidence that the parking demand could not



be accommodated within the site based on the low level of prospective occupancy and staffing on a rota basis. When reaching this conclusion it should be noted that other alternative lawful uses for the premises could attract an equivalent level of adults residing at or visiting the property. These uses would have a far greater likelihood of increasing parking demand/stress in the locality.

Refuse storage and collection would be as existing for the continued residential occupancy of the dwelling. However, the Applicants have also obtained a contract with a suitable commercial waste provider for all commercial waste the use generates which would be collected every two weeks.

Given the limited scale of the use, this parking provision and refuse storage arrangements is considered sufficient to accommodate ordinary operational demand associated with the use, including staff presence and routine visits where required.

Conclusion

Following a review of the developments applicable policy and material considerations, it is our professional view that the development is in compliance with all relevant policies. We see no reason for the Council to refuse our request for planning approval and kindly request for a timely decision to be made in line with the applicable guidelines of the NPFF.

Should any further information be requested to assist in the council's assessment of the application, please do not hesitate to contact us.

Thank you,

Kind regards,

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