

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION OFFICER DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/02252
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	Avenham House, Gas Lane, Cricklade, Swindon, SN6 6BY
DESCRIPTION:	Erection of fence
RECOMMENDATION:	APPROVE WITH CONDITIONS

PROPOSAL

The description of development was amended upon validation in the interest of conciseness only, and a small amendment to the plans was accepted on 24 June 2026.

The application seeks planning permission for development that has already been carried out, consisting of the erection of a fence. The fence would be constructed from timber boarding with a concrete gravel board, with a maximum height of 2.4m, a length of approximately 29m, and a timber capping rail.

SITE DESCRIPTION

The application site is a detached two-storey dwelling house known as Avenham House. It has walls of brick, a hipped tile roof, casement fenestration, a garage, a front driveway and a surrounding garden. Its setting is primarily characterised by the surrounding suburban residential estate. It is in the settlement boundary of Cricklade. Relevant designations and constraints include Cricklade Conservation Area, which washes over the site. A Scheduled Monument to the southwest side of the plot, known as Cricklade town banks [NHLE: 1002997] and Areas of Saxon 'Burh' within the town walls [1004679]; Public footpath CRIC40 to the northern boundary, which runs between White Horse Road and Gas Lane and connects to additional pathways to the west. The site is located in Flood Zone 1, where there is a risk of low-level flooding from surface water, 1 in 100 + Climate Change (40%).

PLANNING HISTORY

17/03139/FUL - Small side extension to existing porch area on ground floor and creation of first floor extension above existing ground floor at side and back of property (APPROVED WITH CONDITIONS 20/06/2017).

16/08843/FUL - Erection of two storey side and rear extensions plus alterations to the garage and front façade (APPROVED WITH CONDITIONS 22/12/2016).

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy (WCS):

- Core Policy 50: Biodiversity and Geodiversity (CP50)
- Core Policy 52: Green Infrastructure (CP52)
- Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)
- Core Policy 58: Ensuring the Conservation of the Historic Environment (CP58)
- Core Policy 67: Flood Risk (CP67)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

Cricklade Neighbourhood Plan – Made March 2018 (CNP)

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Cricklade Conservation Area Statement 1999

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

Historic England Guidance:

- Managing Significance in Decision-Taking in the Historic Environment. Historic Environment Good Practice Advice in Planning: 2 (GPA2)
- The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) (GPA3)

CONSULTATION RESPONSES

The following consultees and interested parties were invited to comment on the application:

Cricklade Town Council – Object, comment that there is a precedent to keep fence heights to 2m, that no planting to screen the fence has been carried out and that there would be difficulties accessing any planting there in future, that the fence should be restricted to 2m as the fence is overbearing for pedestrians, and that the area is not renowned for anti-social behaviours nor would the height of the fence prevent thrown objects (05/06/2026).

Wiltshire Council's Conservation Officer – No comment, advising that the development does not lie within their consultation remit and that they do not intend to comment but that this should not be interpreted as approval or endorsement of the proposal (14/05/2026).

Wiltshire Council's Public Rights of Way Team – No objection (19/05/2026).

Historic England – Comment, that they are not offering advice, that this should not be interpreted as comment on the merits of the application, and that they suggest the views of specialist conservation and archaeological advisers is sought (12/05/2026).

County Archaeologist – No comment (13/05/2026).

REPRESENTATIONS

Immediate neighbouring dwellings were notified of the application, and a site notice was displayed on 5 May 2026. Members of the public made two [2] letters of representation.

- That the fence dominates the lane and neighbouring gardens due to its height;
- That the northern boundary of the site is made up of various materials and features;
- That the height and proximity of the fence create an overbearing and dominant visual intrusion;
- That the gap between the fence and existing fence creates a space within which weeds and other detritus would detract from the visual amenity of the area; and
- That the fence dominates neighbours' gardens.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications be made in accordance with the development plan unless material considerations indicate otherwise.

Design and local character and appearance, with particular regard to the conservation area and heritage assets

CP57 and CP58 together seek to ensure all new development, including extensions and alterations to existing buildings, meet a high standard of design that contributes to the character of Wiltshire by, among other things, responding positively to the features of the site itself, its landscape or townscape setting, and the value of the historic environment by being sympathetic to and conserving heritage assets in a manner appropriate to their significance.

Appendix D of the Wiltshire Design Guide sets out expectations for the delivery of well-designed householder developments. It emphasises that they should respect the character and appearance of their surrounding area.

Avenham House occupies a wedge-shaped plot on the edge of a suburban estate with the open space comprised of the Saxon fortified town's outer earthworks.

The northern boundary of the site borders a public footpath (CRIC40) running east-west. The boundary treatment is formed by varied heights of chain-link and timber fencing and masonry walls of poor quality and foliage. The opposite side of the footpath is bordered by approx. 1.8m red brick, uniform masonry walls

It is in Area 9 (Long Close) of the Cricklade Conservation Area (CCA), which is primarily suburban residential development contained by an open space formed by the Saxon Town's earthwork fortifications.

The published statement¹ describes that the character and appearance of CCA is primarily discernible from its statutorily protected buildings and features, its townscape features, its valuable open space and water, and its significant foliage.

It is desirable to preserve or enhance its character or appearance, to which there is a duty to pay special attention under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site is surrounded on three sides by Scheduled Monuments (SM), and the western corner of its garden is within the designated area of that one known as Cricklade town banks.

The NHLE entry provides no description but the significance and national importance of the SMs is likely to comprise the archaeological and historic interest attributable to their legible features, as part of the Saxon fortified town, and their potential for unrecorded subterranean deposits.

Works to or within the designated area of a SM are controlled by a parallel consenting regime, operated by Historic England (HE) on behalf of the Secretary of State². Failure to obtain consent for works is a criminal offence, but enforcement of such matters is, however, at the discretion of HE rather than the Local Planning Authority (LPA).

¹ Cricklade Conservation Area Statement 1999.

² Scheduled Monument Consent (<https://historicengland.org.uk/advice/planning/consents/smc/>).

Wiltshire Council's Conservation Officer (CO), HE and the County Archaeologist were invited to comment on the application. None decided to provide specialist advice on the merits of the proposal.

As it has already been carried out, the fence has encroached into the designated area of Cricklade town banks SM with two posts penetrating the ground. This part has long been a residential garden, so its topsoil is likely to have been previously disturbed. It does not otherwise make a strong contribution to the significance of the SM. Based on the evidence available, no harm to its significance can be identified.

The existing boundary treatment on the south side of the public footpath does little to provide a positive interface with the public realm, as is the expectation of 9.3 of the Wiltshire Design Guide.

The fence, subject of this application, would maintain a gap between it and the chain link fence which minimises a sense of towering or enclosing of the footpath. There are concerns the gap would fill with weeds and detritus without management, but the applicant maintains they can access it.

In their supporting statement, the applicant states an intention to plant shrubs in the gap. However, such details are not before the LPA to consider.

While the fence would be markedly taller than the masonry walls opposite, it would be offset from the footpath. Once finished, it would be similar in height to the remainder of the site's existing boundary treatment.

The fence would add to what is otherwise not a positive interface with the public realm. However, in the context of the existing boundary treatment, and what it replaces, the fence would not harm, and thereby preserves, the character and appearance of the CCA. Also, for the reasons above, it would not harm the setting of the SMs.

The plans state a capping rail would be added to the fence, which would ensure a designed, finished appearance and a uniform height. As development has already commenced, a condition to require implementation of the capping rail within 3 months is considered to meet the tests.

Regard has been had to the objections raised by the Town Council and members of the public. While permitted development rights set a broad limitation of 2m for means of enclosure in residential plots, this does not preclude a planning application, as in this case, for one of greater height where such applications must be considered on their individual merits.

For the reasons given, the development would not harm the character or appearance of CCA or the setting of designated heritage assets. Subject to recommended

conditions, it would satisfy the requirements of CP57 and CP58 of the Wiltshire Core Strategy.

Residential amenity

Core Policy 57 (vii) of the Wiltshire Core Strategy seeks to ensure that the design of new development has regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and that appropriate levels of amenity are achievable within the development itself.

Appendix D of the Wiltshire Design Guide expects a well-designed householder development to respect neighbouring properties by advising, amongst other things, that they should not be unduly overbearing or unduly obtrusive, and that windows should not directly overlook neighbouring properties.

The closest neighbouring dwellings to the application site are 16 Gas Lane and 24-29 North Wall. The site borders the grounds of the St Sampson's CofE Primary School to the south and public open space to the west.

While the timber fence would be visually uninteresting, and taller than one would ordinarily expect from a residential enclosure, it would maintain separation from neighbours' dwelling houses and gardens. Due to the distance involved and intervening features, the fence would not appear unduly overbearing nor cause a detrimental loss of outlook or natural light for neighbours.

The applicant has sought to justify the need for the fence as providing protection from anti-social behaviour, something the Town Council dispute.

Nonetheless, for the reasons given, the development would not harm the living conditions enjoyed by occupants of the site itself or neighbouring land. Furthermore, it would satisfy the expectations of adopted design guidance and the aims of CP57 (vii) of the Wiltshire Core Strategy.

Archaeology

As described above, the area features designated heritage assets with archaeological interest. Cricklade otherwise has high archaeological potential and this contributes to the character of the CCA.

No comments were made by Historic England, the County Archaeologist or Wiltshire Council's Conservation Officer. Ground penetration has already occurred, and at a seemingly shallow depth.

For these reasons, and in absence of evidence otherwise, the development as already carried out has not harmed the archaeological potential of the area or assets for which archaeological interest forms part of their significance and no further intrusive ground works would be necessary.

North Meadow SAC

Wiltshire Council has published a North Meadow SAC Interim Recreation Mitigation Strategy (2023-2028). However, a financial contribution to mitigate impacts on the SAC would not be required in this instance as the proposal does not create an additional residential unit.

Biodiversity Net Gain (BNG)

The development is exempt from the requirement to deliver 10% BNG, introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), and the decision notice shall include the relevant informative note.

Other matters

Although the site borders a public footpath, the fence would be demonstrably contained within the site boundaries. No objection was raised by Wiltshire Council's Public Rights of Way Team. Informatives have been recommended should the Local Planning Authority determine to grant planning permission.

PLANNING BALANCE AND CONCLUSION

Subject to recommended conditions, to define the terms of the permission and to ensure completion of the development to a high standard, the development would have acceptable effects in respect of matters of acknowledged importance to the public interest. Furthermore, it would not conflict with the development plan, and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. The statutory requirements have therefore been fulfilled, and the application should be supported.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Conditions:

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

Location Plan. 095/001. Received 29 April 2026.
Proposed Site Plan. 095/050. Received 29 April 2026.
Proposed Elevation. EL-PR-01. Received 24 June 2026.

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

2. Within 3 months of this decision notice, the capping rail to top of the fence shall be completed in accordance with the approved plans.

REASON: In the interest of visual amenity and the character and appearance of the conservation area.

3. There shall be no trellising or other alteration to the fence hereby permitted that would increase its height, and it shall be maintained at a height that does not exceed 2.4m for the lifetime of the development.

REASON: In the interest of the amenities of the area and the character and appearance of the conservation area.

Informatives to the Applicant:

1. This consent does not authorise any works which would disturb or in any way affect a Scheduled Monument. Separate consent for any such work should be sought from Historic England, and failure to obtain Scheduled Monument Consent when it is required is a criminal offence. Further information is available from <https://historicengland.org.uk/advice/planning/consents/smc/>.
2. The applicant should note that no construction / demolition vehicle access may be taken along footpath CRIC40 without prior consultation with the Rights of way Countryside Access Officer (rightsofway@wiltshire.gov.uk). 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.

The applicant should also 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 CRIC40 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

