

## **LPA – appeal statement – Vimy Ridge – LPA ref: PL/2026/01324 – App ref: 6010142**

### **1. Introduction**

This statement is submitted on behalf of the Local Planning Authority (LPA) in response to the Appellant's Statement of Case.

The LPA relies on the case officer's report as its primary evidence base (attached at Appendix 1), which sets out the full assessment of the proposal against the Development Plan and all material considerations. This statement addresses matters raised by the Appellant that require clarification or further response.

### **2. Scope of the dispute**

The Appellant presents the appeal as turning solely on whether the proposal is "ancillary" or a "new dwelling", asserting that the LPA has incorrectly assessed the application on the basis that it amounts to a separate residential unit.

The LPA agrees that this is the central issue in dispute. However, the Appellant's conclusions on this matter are not accepted. It is important to distinguish between an application for annexe accommodation and an application for another form of domestic outbuilding. In this case, the appellant expressly applied for ancillary accommodation, as stated in the accompanying planning statement.

As the proposal was presented as annexe accommodation, Saved Policy H33 is plainly engaged and provides the relevant policy framework for assessment. The appellant's submissions appear to conflate proposals for ancillary accommodation with other forms of development. However, the LPA's task is to determine the application that was submitted, not a different proposal that may have been capable of being presented. Whether the proposal complies with Policy H33 is therefore the central issue in this appeal.

#### **2.1 The development applied for**

The Appellant suggests that the LPA incorrectly assessed the proposal against Saved Policy H33. This is not accepted. The application was submitted as a proposal for annexe accommodation ancillary to the existing dwelling. The submitted plans and planning statement presented the proposal as ancillary residential accommodation. The LPA is required to determine the application before it on the basis of the development that has actually been applied for and the information submitted in support of it. It cannot assess an alternative form of development that has not been proposed.

Accordingly, Saved Policy H33 provides the relevant policy framework for determining this application. The central issue is therefore not whether Policy H33 applies, but whether the proposal, as submitted, satisfies the requirements of that policy and can properly be regarded as genuinely ancillary accommodation. The LPA concluded that it does not and that, by reason of its design, layout, facilities, siting and relationship to the main dwelling, the proposal would amount to a separate dwelling in planning terms.

That conclusion does not arise because the LPA chose to assess the proposal under Policy H33. Rather, it arises because the proposal was submitted as ancillary accommodation and, when assessed against the relevant policy framework, was found not to comply with the requirements of that policy.

### **3. Whether the proposal is ancillary accommodation**

#### **3.1 Application type is not determinative**

The Appellant places significant weight on the proposal being submitted as a householder application. However, this is a procedural classification and does not determine whether the development would function as ancillary accommodation or a separate planning unit. This is a matter of planning judgement having regard to the physical and functional characteristics of the proposal.

### 3.2 Functional independence

The LPA's position, as set out in the officer report, is that the proposal would create a building that is physically and functionally capable of operating as an independent residential unit. The proposed building includes:

- all facilities necessary for day-to-day living (sleeping, cooking, washing);
- its own garage parking and turning arrangements; and
- a physical separation of approximately 32 metres from the host dwelling.

The combination of these factors demonstrates that the building would operate independently of the host dwelling and would not function as genuinely subordinate or incidental accommodation.

The Appellant's reliance on long-standing family occupation of the site does not alter this assessment. The planning system must assess the use of land based on the development proposed, rather than the personal circumstances or intentions of the applicant.

### 3.3 Relationship to saved Policy H33

The Appellant asserts that Policy H33 is not applicable or is inconsistently applied. This is not accepted.

Saved Policy H33 provides a specific framework for assessing proposals for ancillary residential accommodation in the countryside. The policy requires that such accommodation remains clearly subordinate and capable of being reabsorbed into the main dwelling.

As set out in the officer report, the proposal fails to meet multiple criteria of Policy H33. It is neither formed within nor as an extension to the host dwelling, cannot be reabsorbed, and by reason of its design, layout and siting, presents as a separate residential unit. Accordingly, the proposal does not accord with Policy H33.

### 3.4 Use of planning conditions

The Appellant suggests that any concerns could be addressed by the imposition of a condition restricting occupation to ancillary use. The LPA has considered this approach but does not consider it sufficient to overcome the identified harm.

The concern arises not merely from who may occupy the building, but from the fact that the proposed development has been designed as a self-contained residential unit. By reason of its scale, layout, facilities, parking provision and physical separation from the main dwelling, it would be capable of independent occupation and would function as a separate planning unit in practice.

The issue is therefore inherent in the physical form and characteristics of the development itself, rather than solely its occupation. A condition restricting occupancy would not alter the building's ability to operate independently nor overcome the LPA's conclusion that it is tantamount to a separate dwelling. The harm identified is therefore inherent to the development and is not capable of being addressed by condition.

#### **4. Response to section 7.0 – influencing factors**

The Appellant invites the Inspector to give weight to “human factors” and suggests that the LPA’s approach to the determination was influenced by a predisposition to refuse the application. The LPA strongly disputes this characterisation.

Planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. Whilst the LPA recognises the personal circumstances and aspirations of applicants, these are not determinative in the assessment of proposals and cannot override the requirement to assess development on its planning merits. The determination of this application has been undertaken in a professional, objective and policy-led manner.

##### **4.1 Curtilage and allegation of predetermination**

The Appellant suggests that the LPA “looked for reasons to refuse from the outset”, including querying the established residential curtilage. This is not accepted.

In relation to the previous application (PL/2025/09353), the case officer queried the extent of the residential curtilage due to its unusual configuration. This was a proportionate and appropriate exercise of professional diligence, having regard to the planning history of the site.

Following confirmation from the applicant’s agent that the red-line boundary reflected the extent of the curtilage as established by the LPA through the 1999 Certificate of Lawfulness, which confirmed Vimy Ridge as a lawful Class C3 dwelling, the matter was resolved.

The established residential curtilage is accepted within both the previous and current officer reports and does not form any part of the reason for refusal in either case. Accordingly, the suggestion that the LPA sought to identify or manufacture a reason for refusal on this basis is unfounded and is strongly disputed.

##### **4.2 “Essential need” and the officer’s reasoning**

The Appellant refers to the officer’s conclusion that the proposal fails to demonstrate an “essential need” for ancillary accommodation and suggests this introduces an unjustified test. This interpretation misrepresents the officer’s assessment. The relevant passage states that the proposal:

*“fails to demonstrate an essential need for ancillary accommodation and instead amounts to the creation of a new, independent dwelling outside any defined settlement boundary such, the development conflicts with Core Policies 1 and 2 of the Wiltshire Core Strategy, which direct new residential development to sustainable locations within established settlement boundaries.”*

The emphasis of this conclusion is not on the absence of need in isolation, but on the overall assessment that, having regard to its scale, layout, facilities and separation from the host dwelling, the proposal would function as a self-contained unit and therefore constitutes a new residential dwelling in planning terms.

The proposal is therefore not being assessed as a typical incidental domestic outbuilding, but as a form of development that goes beyond what can reasonably be regarded as ancillary to the host dwelling. It does not represent an essential or subordinate addition to the existing dwelling, but rather the creation of a new and separate structure capable of independent occupation.

#### 4.3 Summary

For the reasons set out above, the LPA rejects the suggestion that the determination of this application was influenced by bias or a pre-existing intention to refuse. The issues raised by the Appellant have either been appropriately explored through normal professional assessment or are based on a misunderstanding of the officer's reasoning.

#### **5. Future use and personal circumstances**

The Appellant invites the LPA to place weight on the personal circumstances of the current occupiers of the site, including the established pattern of multi-generational family occupation.

The LPA acknowledges these circumstances. However, planning decisions must be made having regard to the use of land in planning terms, rather than the personal circumstances of current or future occupiers, unless there are clear and exceptional reasons to do so.

A key consideration in this case is the potential future use of the proposed building, irrespective of the Appellant's stated intentions. The planning system must consider whether the development, once constructed, would be capable of functioning independently as a separate planning unit.

As set out in the officer report, the proposed building:

- contains all facilities required for independent residential occupation;
- is physically separate from the host dwelling; and
- does not demonstrate a clear functional dependence on the main dwelling.

In these circumstances, the building would be capable of occupation independently of the main dwelling, and the LPA must assess the proposal on that basis.

Whilst the Appellant has indicated that the accommodation would remain within the family, and has expressed willingness to accept a restrictive occupancy condition, such measures do not overcome the fundamental concern. Planning control runs with the land rather than the individual, and the assessment must therefore consider how the development could be occupied over its lifetime.

The LPA is required to have regard to the permanence of the development and the potential for changes in ownership, occupation, or use over time. On that basis, the proposal is properly assessed as a building capable of forming a separate dwelling, rather than accommodation that is demonstrably ancillary and dependent on the host dwelling.

Accordingly, the personal circumstances of the current occupiers do not outweigh the conclusion that the development would give rise to an additional independent residential unit in the countryside, contrary to the Development Plan.

#### **6. Other Matters Raised by the Appellant**

##### 6.1 Precedent

The Appellant refers to a number of other developments said to be comparable. The examples relied upon by the Appellant do not demonstrate any inconsistency in the LPA's approach. Several of the examples were not applications for annexe accommodation at all and were therefore assessed under a different policy framework. Several examples relied upon by the Appellant were not applications for annexe accommodation and therefore were

not assessed under Policy H33. A holiday let and ancillary residential accommodation are materially different forms of development governed by different planning considerations and policy tests. Others were annexes which, by reason of their design, facilities, siting and relationship with the main dwelling, were genuinely ancillary. The examples therefore do not demonstrate inconsistency in the application of Policy H33.

- PL/2025/07253 – This detached annexe has no kitchen facilities meaning it must rely on the main dwelling for daily tasks. There is also a shared parking area.
- 16/03697/FUL – This is for the change of use to an existing garden room to a holiday let, not an annexe.
- S/2004/689 – This is a replacement building with other uses associated with the main dwelling.
- S/2007/0504 – This is for the demolition of one building and its replacement with a dwelling. A studio above the garage was also granted permission. Permission was not sought for an annexe.
- 17/10285/FUL – This granted permission for an extension to the dwelling and a replacement garage. The replacement garage contains a studio in the roof space and a WC. No annexe was applied for and the garage/studio as per submitted plans is not capable of being a separate dwelling.
- 17/00417/FUL – The garage in which the studio is has an intertwined relationship with the main dwelling. It is directly adjacent to the main dwelling and the parking provided by the garage is required for the main dwelling. The studio annexe is not capable of being a separate dwelling and relies on cooking facilities at the main dwelling.
- PL/2023/05974 – This ancillary accommodation does not have the facilities to function independently from the main dwelling as per the approved plans.
- PL/2025/03539 – The annexe is above a garage serving the main dwelling and is in close proximity to the main dwelling. This creates a shared relationship. Furthermore the small footprint of the accommodation suggests a reliance on the main dwelling for shared facilities.
- 19/10942/FUL – The siting of the annexe in the enclosed rear garden means it can't function as a separate dwelling given access is gained through the main dwelling.
- 16/03697/FUL – This application sought a change of use to a holiday let.
- 13/03202/FUL – This application sought a change of use to a holiday let.
- S/2010/1635 – This application proposed to convert an existing building to create an annexe, this is supported by H33. However, this application was refused on design impact.
- S/2011/0460 – This is not relevant because it is a certificate of lawfulness to confirm the existing use of an existing pool room as residential annexe.
- S/2007/689 – It is unclear why this refused application for the retention of a garage and kennels has been included.

## 6.2 Separation distance

The Appellant disputes that separation distance is relevant. The LPA's position is not that distance alone is determinative, but that the degree of separation, together with the absence of a functional relationship and the self-contained nature of the building, reinforces the conclusion that the proposal would not operate as ancillary accommodation.

## **7. Consequences of the development**

Given the above, the LPA maintains that the proposal amounts to the creation of a new dwelling in the open countryside. As set out in the officer report, such development is contrary to the spatial strategy of the Wiltshire Core Strategy and represents an unsustainable form of development.

Furthermore, as a consequence of being a new dwelling, the proposal gives rise to impacts on the River Avon SAC and the New Forest protected sites. In the absence of secured mitigation, the LPA, as competent authority, cannot conclude that the development would not adversely affect the integrity of these European sites.

## **8. Conclusion**

For the reasons set out above, and in the attached officer report, the LPA maintains that:

The proposal does not constitute ancillary accommodation in accordance with Saved Policy H33 and the proposals amount to the creation of a self-contained dwelling in the countryside.

### **Suggested conditions**

In the event the appeal is upheld the LPA recommends the following conditions are imposed on any permission.

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 and documents:

- Location plan, proposed block plan, floor plan, elevations and section (ref: Svr/p/10) – date received: 25/02/2026
- Application form – date received: 25/02/2026

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

3. Materials to be used in the construction of the development hereby permitted shall be in accordance with the details stated in the application form.

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

4. The building hereby permitted shall be used only for purposes ancillary to the residential use of the dwelling known as Vimy Ridge, London Road, Firsdown, Salisbury, SP4 6DU and it shall remain within the same planning unit as the main dwelling.

REASON: The building is located in the open countryside where the Local Planning Authority, having regard to the Development Plan and national policy, would not permit the creation of a separate dwelling.

## Appendix 1 – officer report

### APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

|                                 |                                                         |
|---------------------------------|---------------------------------------------------------|
| <b>APPLICATION REFERENCE:</b>   | PL/2026/01324                                           |
| <b>APPLICATION TYPE:</b>        | Householder planning permission                         |
| <b>SITE ADDRESS:</b>            | Vimy Ridge, London Road, Firsdow, Salisbury,<br>SP4 6DU |
| <b>DEVELOPMENT DESCRIPTION:</b> | Detached Double Garage and Studio                       |
| <b>RECOMMENDATION:</b>          | <b>That Planning Permission be REFUSED</b>              |

#### PROPOSAL

The proposal seeks planning permission for the erection of a single storey detached building to provide ancillary accommodation associated with the existing dwelling to the south known as Vimy Ridge. The submitted floor plans show a studio space, kitchen area and bathroom. A double garage is also incorporated into the building, positioned to face east. Whilst the proposal description does not specify that annexe/ancillary residential accommodation is sought in this application, this is made clear within the planning statement.

#### SITE DESCRIPTION/CONTEXT

Vimy Ridge, also referred to as Vimey Ridge or Viny Ridge, is an established residential property with an associated residential curtilage, as confirmed by a certificate of lawfulness issued in 1999 under planning application S/1997/1710 on 27/05/1999.

Lawful development certificate PL/2024/01507, approved and issued on 24/04/2024, confirmed that the mobile home and laundry block situated to the west of Vimy Ridge constitute an independent residential unit (Use Class C3) with associated amenity space. This created a new and separate planning unit alongside the existing red-line boundary of Vimy Ridge established in 1999.

On 24/07/2024 full planning permission was granted under PL/2024/04861 for the demolition of the existing mobile home and the construction of a two-bed single-storey dwelling within the boundary established by the lawful development certificate issued earlier the same year.

On 12 February 2026, householder application PL/2025/09353 for a 'detached double garage and ancillary accommodation for dependant persons' was refused planning permission. Permission was refused for three reasons, these are as follows copied below in full.

1. The application site is located outside of the settlement boundary within the open countryside where residential accommodation is strictly controlled. Whilst in principle, saved policy H33 of the Wiltshire Core Strategy permits ancillary accommodation for dependant persons in such areas, the current proposal contains no such justification, and the proposed internal accommodation, external appearance, and its position on the site relative to the existing dwellings would appear to create a building tantamount to a new separate dwelling unit. Given the location, the proposal therefore also raises concerns regards to the

sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors, the lack of pedestrian facilities/safe cycling provision.

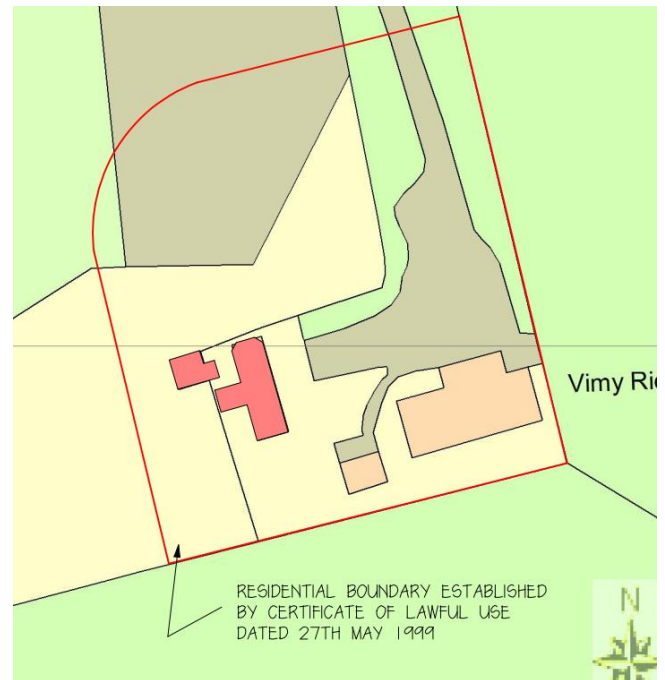
In the absence of any justification, and on the basis of the information submitted with the application, the proposed development is considered to be contrary to Core Policies 1 and 2, the criterion requirements of saved Policy H33 of the saved Salisbury District Local Plan, and the aims of the NPPF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

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

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

The application under consideration in this report is a resubmission of the refused scheme under PL/2025/09353. In support of the resubmission, a planning statement has been submitted, which was not previously provided, alongside revised floor plans and an amended description of development. Notwithstanding these changes, the siting, size and scale of the building, together with its dual function as both garaging and residential accommodation, remain materially unchanged from the scheme previously refused.

The application site is located to the south of the A30 London Road, to the south-west of the junction of Malthouse Lane and the A30 London Road, and is accessed via an existing track from the A30. The site adjoins a residential property known as Foxbury House to the west, with agricultural land surrounding it to the south and east. The site lies outside any defined settlement boundary as set out in Core Policies 1, 2 and 23 of the Wiltshire Core Strategy and for the purposes of the local plan, is within the open countryside. The site also falls within the River Avon Special Area of Conservation (SAC), the Special Landscape Area identified by saved Policy C6, and the 13.8 km Recreation Zone of Influence for New Forest protected sites.



Above on the left is the location plan from the lawful development certificate ref: S/1997/1710 issued on 27/05/1999. This plan was microfiched in black and white.

Shown above on the right the applicant reproduced this plan for the purposes of the lawful development certificate ref: PL/2024/01507. This has been included in this report to provide clarity on the defined curtilage in conjunction with the plan below to show how this has been altered by subsequent applications.



To the left is the proposed site/location plan provided with this application - PL/2025/09353.

This shows the two separate planning units – indicated by blue and red lines.

The location of the proposed building, sought in this application, is shown by the pink/red rectangle.

## PLANNING HISTORY

| Proposal / Summary                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PL/2025/09353 – Householder Planning Permission – Refused Date: 12/02/2026 - Detached double garage and ancillary accommodation for dependant persons                                                         |
| S/1985/0220 - Full planning permission Decision - Approved Date: 8/5/1985 – O/L APPLICATION - SITING OF CARAVAN IN CONNECTION WITH AGRICULTURAL HOLDING                                                       |
| S/1992/1796 - Lawful development: Existing use Decision - Refused Date: 29/9/1997 – APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE AS A DWELLING HOUSE                                       |
| S/1997/1710 - Lawful development: Existing use Decision - Approved Date: 27/5/1999 – APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE AS A DWELLING HOUSE                                      |
| PL/2024/01507 - Lawful development: Existing use Decision - Approve Date: 24/4/2024 – Use of a mobile home and laundry block as an independent residential unit (use class C3) with associated amenity space. |
| PL/2024/04861 - Full planning permission Decision - Approve with Conditions Date: 24/7/2024 – Demolish existing mobile home and erect two bed single storey dwelling                                          |
| S/81/0680 - Historic apps 1974 to 1983 Decision - Approve Date: 3/7/1981 – Widen to allow easier access, to include laying hardcore and gravel where necessary.                                               |
| S/82/1119 - Historic apps 1974 to 1983 Decision - Refuse Date: 9/3/1983 – Siting of caravan in connection with horticultural holding                                                                          |

## RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 23: Southern Wiltshire Community Area
- Core Policy 24: New Forest National Park
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management
- Core Policy 69: Protection of the River Avon SAC

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

- C6: Special Landscape Area
- H33: Ancillary accommodation

Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

## **CONSULTATION RESPONSES**

Pitton and Farley Parish Council – object – with the following text received:

*'In view of the planned Highways improvements at the junction of London Road (A30) and Old Malthouse Lane (due to recent motor incidents) and the potential of the studio being utilised as holiday accommodation, any increase in vehicular activity, including the access to Vimy Ridge, would be detrimental. Also, a request to impose a condition that the new building be maintained as part of the existing household, i.e. not a separate dwelling for re-sale.'*

WC Highways – no objection subject to condition – the comment is copied below in full:

### ***'Introduction and Proposal***

*The application proposes the erection of a double garage with studio accommodation as ancillary residential accommodation to Vimy Ridge.*

*The application has been submitted following the refusal of PL/2025/09353 which sought permission for a detached double garage and ancillary accommodation for dependant persons.*

*The supporting Planning Statement advises that the land and buildings are owned and occupied by a single family, with Vimy Ridge occupied by grandparents, and the replacement home (approved under PL/2024/04861) to be occupied by their granddaughter. It is also understood that the agricultural and forestry business on the adjoining land is managed by the grandson.*

*The Planning Statement also states "Our application now seeks approval for studio accommodation and garaging for ancillary residential use and we would agree a standard Condition stating that the building could not be sold separately."*

*The accommodation would be associated with the principal dwelling on the site, Vimy Ridge. Access would be taken from the existing entrance onto the A30, which also serves a recently approved two-bedroom replacement dwelling (Ref:PL/2024/04861).*

*The garage dimensions (5.9m x 6m) fall slightly short of the current minimum standard of 6m x 6m for two cars. However, as the use is intended to be ancillary to the main dwelling, flexibility can be applied, and additional independent parking is not always required.*

### ***Sustainability***

*The site lies outside any defined settlement boundary and is located on the A30, a Class 1 road with no pedestrian facilities or access to public transport. As a result, future occupants would be heavily reliant on the private car.*

*Development creating a new, independent dwelling in this location would therefore be contrary to Core Policies 60 and 61, which seek to promote sustainable transport choices and reduce dependence on private car travel.*

### **Access and parking**

*The shared private drive benefits from a wide access onto the A30, allowing vehicles to pass safely. The proposed arrangement is suitable for serving the ancillary accommodation. There is adequate space in front of the garage to allow vehicles to manoeuvre and sufficient on-site space for parking and turning.*

### **Summary and Recommendations**

*From a highways perspective, the proposed access, parking and turning arrangements are acceptable.*

*The Planning Statement provides more detail of the relationship and occupation of the accommodation on the wider site, and advises that a condition to tie the occupation to the principal dwelling on the site is accepted.*

*On the basis that the development would constitute ancillary accommodation to Vimy Ridge, with all occupation on the site being for the same family, I raise **no highway objection**, subject to the following condition.*

### **Condition**

*The ancillary building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Vimy Ridge.*

*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.'*

## **REPRESENTATIONS**

No comments were received.

## **ISSUES**

- Principle of development
- Design, scale and siting
- Amenity
- Highways impact
- Impact on the River Avon SAC and New Forest SPA

## ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the adopted Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans.

### Principle of development

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 23 confirms that development in the South Wiltshire Community Area be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the South Wiltshire Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries within which residential development will be accepted.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

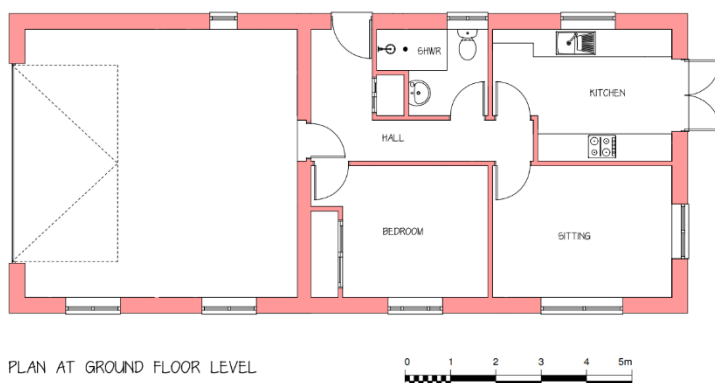
Vimy Ridge lies outside any defined settlement boundary, with the nearest settlement being the Small Village of Firsdown to the east approximately 2.2 km away, although Firsdown does not have a defined settlement boundary. The site is therefore classed as being situated in the open countryside and as such is in an unsustainable location where there is a general presumption against new development, particularly of a residential nature.

The application is proposing a new residential annex, to be used ancillary to the main house known as Vimy Ridge. Saved SDLP policy H33 is therefore relevant. This policy acknowledges that in ‘...some instances a separate unit of accommodation may be required for a dependent person’. The policy therefore confirms that: ‘Proposals to create separate units of accommodation for dependent persons will be permitted provided that either:’

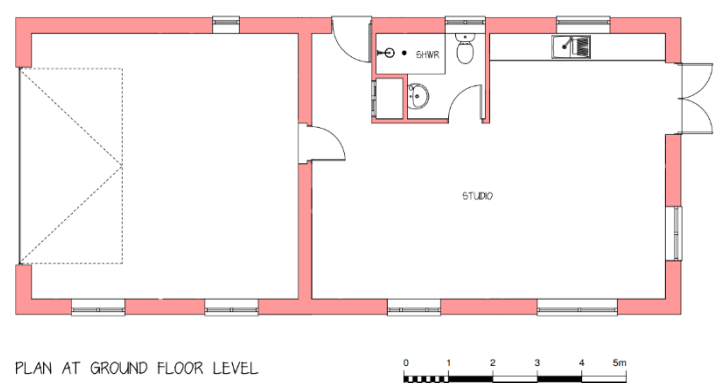
- (i) the accommodation is created wholly or partly within the existing dwelling or takes the form of an extension to that dwelling;
- (ii) the design and internal arrangement of the proposed unit of accommodation would allow it to be re-absorbed into the main dwelling when it is no longer required to house a dependent person; and
- (iii) where an extension is proposed, its siting and design is acceptable and the remaining external space around the building is adequate or,
- (iv) the accommodation is created as a result of a conversion of an existing building within the curtilage of the main dwelling; and
- (v) is subject to a restrictive occupancy condition or, if outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area, is subject to the applicant entering into a legal agreement with the Local Planning Authority that the ancillary accommodation will not be let or sold separately from the main dwelling.

Given the design, scale and siting of the development as proposed, it is considered that this fails points i, ii, iii and iv of H33 as it is a new detached building which is not created wholly or partly within the existing dwelling and is not an extension to the dwelling and therefore cannot be reabsorbed into the existing dwelling when no longer required. The proposal also does not relate to or involve the conversion of an existing building.

The floor plans submitted with this application show that the building is to contain an open plan studio space, understood to be the bedroom, kitchen area, bathroom and double garage large enough to facilitate ample parking for a one-bedroom dwelling. This provides the occupier with all the facilities and amenities required for independent living within a self-contained unit.



Previously refused PL/2025/09353 proposed floor plan



Proposed floor plan under consideration for this application

The submitted scheme includes a revised floor plan which removes references to a separate bedroom and sitting room and instead labels the internal accommodation as a 'studio'. While this change is noted, it appears intended to reduce the perception of the accommodation as being independent from the main dwelling. Notwithstanding the amended labelling, the layout and overall design of the building continue to present as a self-contained unit. When considered as a whole, including its siting, scale and limited physical and functional relationship with the main dwelling, the proposal does not demonstrate that the accommodation would be genuinely ancillary in nature.

Unlike the previously refused scheme, the current submission is accompanied by a planning statement which seeks to justify the proposal by reference to the long-standing, multi-generational occupation of the site by the applicant's family. While this background is acknowledged, the statement does not adequately explain how the proposed accommodation, by reason of its design, layout and siting, would function as subordinate or incidental to the main dwelling. In practical terms, the building would be capable of independent occupation and does not rely on, or integrate with, the main dwelling in a manner consistent with ancillary accommodation.

The planning statement also refers to other outbuildings and annexes previously approved by the local planning authority in an attempt to draw a comparison by way of precedent. It is noted, however, that planning applications are assessed on their individual merits. In this regard, the specific location, siting, scale and design of the proposal under consideration are materially different and must be assessed independently against the relevant development plan policies.

Whilst the proposed site shares an access with the existing dwelling Vimy Ridge the proposed building is approximately 32 metres from the main dwelling separated by the parking area and turning circle for the existing bungalow. The proposed accessed is also shared by the separate planning unit and new dwelling currently under construction as per the 2024 lawful development certificate and full planning permission respectively. As such this shared access cannot be argued to constitute a meaningful connection or shared amenity between the proposed building and the dwelling Vimy Ridge.

The proposed building is capable of being a wholly separate dwelling with its own parking, no shared amenity or facilities and the separation distance means there would be no functional relationship between the existing dwelling, Vimy Ridge and proposed building. Therefore, the principle of an annexe/ancillary accommodation as proposed is unacceptable and contrary to saved policy H33.

Whilst a legal agreement or condition could be imposed on the proposed building to be ancillary to the main dwelling the Council believes that this type of restriction maybe difficult to enforce in practice given the proposed building has all the features of a self-contained new dwelling.

The case officer's assessment is therefore that from the plans submitted with this application the proposals do not meet the criteria for ancillary accommodation and is tantamount to the creation of a new dwelling in the open countryside for which there is no justification.

## **Design, scale and siting**

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.

In terms of scale, while the proposed building has a smaller footprint than the existing bungalow, it remains broadly comparable in overall size and, with both structures being single storey, it would not read as visually subservient to the main dwelling. Its proposed siting approximately 32 metres from the existing house further reinforces a sense of separation rather than association, and does not lend itself to appearing clearly related or ancillary to the main dwelling. Although the siting and scale do not, in themselves, amount to a standalone reason for refusal, they contribute significantly to the overall impression of a building that does not function or appear as genuinely ancillary accommodation.

The submitted planning statement indicates that the external materials would comprise wall finishes and roof tiles to match the main dwelling at Vimy Ridge, with uPVC windows and doors and a timber-faced up-and-over garage door. The use of materials to match the main dwelling is considered appropriate in design terms. uPVC windows are commonly associated with habitable accommodation and the proposed timber garage door is considered appropriate having regard to the functional use of the building.

It is also relevant that the proposed building would not be readily visible from the public realm, unlike other buildings on the site, owing to its distance from the public highway and the presence of boundary treatments. The structure may, however, be partially visible from land within the ownership of the neighbouring property to the west.

Ultimately, given the limited visibility of the development and the generally typical nature of the proposed materials, which also match that of the main dwelling, no reason for refusal arises on design or materials grounds.

## **Amenity**

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(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

No amenity concerns arise given the separation distance between the proposed building and the main dwelling, Vimy Ridge, the bungalow currently under construction, and the neighbouring property, Foxbury House to the west. Accordingly, no reason for refusal arises on amenity grounds.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

## **Highways impact**

Core Policy 57 (xiv) of the Wiltshire Core Strategy seeks to ensure that development must meet the requirements of Core Policy 61. This policy requires proposals to be capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure compliance with parking standards set out in the Local Transport Plan. The National Planning Policy Framework (NPPF), particularly Paragraph 115 and 116, requires that development proposals do not have an unacceptable impact on highway safety and that safe and suitable access to the site can be achieved for all users.

Wiltshire Council Highways raised no objection to the proposal and advises that it would be appropriate to attach a condition to any approval restricting the building to ancillary use in connection with the main dwelling. It is also noted that the provision of parking within the garage would not give rise to highway safety concerns, as sufficient space for parking and turning would be retained within the site.

Notwithstanding the absence of highway-based objection, and as set out in the principle of development section of this report, it is not considered by the case officer that the proposal constitutes ancillary accommodation in accordance with saved Policy H33. When assessed in the wider context of the site and the nature of the accommodation proposed, the development is regarded as forming a new and separate dwelling rather than accommodation incidental to the main dwellinghouse.

As the proposal is considered to result in the creation of a new independent dwelling, the site is assessed as representing an unsustainable location for residential development, where occupants would be likely to rely heavily on the private car to access services and facilities. In this regard, and consistent with the refusal of application PL/2025/09353, the proposal is contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 (paragraphs 109, 110, 115 and 117) of the National Planning Policy Framework (December 2024), which seek to reduce the need to travel, particularly by private car, and to promote sustainable patterns of development.

It is therefore considered appropriate to retain reference to these transport-related policies within the main reason for refusal, notwithstanding the lack of objection from WC Highways. This approach is consistent with the previous refusal and reflects the conclusion that the proposal does not represent sustainable development when assessed against the development plan as a whole.

## **Ecology impact**

Core Policy 50 of the Wiltshire Core Strategy seeks to protect and enhance biodiversity and geodiversity, including through ensuring that development avoids harm to protected species and habitats.

Whilst this householder application seeks planning permission for ancillary accommodation, for the reasons set out above the Council does not consider the proposal to constitute ancillary accommodation and instead regards it as a new dwelling. As the site lies within both the River Avon SAC catchment and the New Forest SPA 13.8km zone, the case officer considers it

necessary to outline the relevant ecological implications associated with the erection of a new dwelling, which are set out below.

### River Avon SAC

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. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Residential Annexes are usually exempt from this assessment because by their very nature they are provided in association with the main house and used by a dependent member of the same household. However as it has not been demonstrated who this proposed annex is for or the level of dependence it is likely to have on the main house; and given the entirely self contained nature of the proposal, it is considered that this application has potential to involve additional households in this River Avon Catchment Area and thus a potential increase in phosphate loading into the River Avon SAC. The development must therefore be appraised in line with the Habitat Regulations by an Appropriate Assessment (AA).

The Council, as the competent authority needs to have certainty that the development proposal will not have an adverse effect on the integrity of the European site. Currently the application does not include detailed proposals to mitigate the impacts of these increases in phosphorus and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European site as a result of the development. An additional reason for refusal will be added to the decision accordingly.

### New Forest SPA

New Forest SPA, New Forest SAC and New Forest Ramsar site -The site is located 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. Any applications within this area are 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. 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.

The application does not include proposals to mitigate the impact of the additional recreational pressure on these protected sites and without such mitigation, the Council as a competent authority cannot conclude that the development will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects. An additional reason for refusal will be added to the decision accordingly.

## CONCLUSION

Officers note that this scheme has sought planning permission for the erection of a new annexe building with double garage in relation to the 'host' dwellinghouse known as Vimy Ridge. However, officers consider the proposed development fails to demonstrate an essential need for ancillary accommodation and instead amounts to the creation of a new, independent dwelling outside any defined settlement boundary such, the development conflicts with Core Policies 1 and 2 of the Wiltshire Core Strategy, which direct new residential development to sustainable locations within established settlement boundaries. The proposal also fails to satisfy the requirements of saved Policy H33, as no justification has been provided to support dependent-person accommodation. Consequently, given the design, layout and level of facilities of the development proposal, this proposal would enable independent occupation of the building where no functional relationship to the host dwelling, Vimy Ridge has been demonstrated. As such, the development proposal is tantamount to the creation of a new dwellinghouse in the open countryside for which there is no justification.

Also, given the site's unsustainable location within the open countryside outside of any defined settlement boundary, this would result in a high dependence on any occupiers of the building using a private car, contrary to Core Policies 60 and 61 of Wiltshire Core Strategy and the overarching sustainability aims of the National Planning Policy Framework.

Finally due to the self-contained nature of the development proposal and lack of any demonstrated dependence on the main house, it is considered likely that the proposal will result in additional phosphate loading in the River Avon SAC contrary to the habitats regulations and WCS policy CP69 (Protection of the River Avon SAC) and additional recreational pressures to the New Forest Protected Sites that include the New Forest SPA, New Forest SAC and New Forest Ramsar Sites. For these reasons, the proposal is considered unacceptable and cannot be supported and thus, the application is recommended for refusal.

## **RECOMMENDATION: That Planning Permission be REFUSED.**

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

In the absence of any justification, and on the basis of the information submitted with the application, the proposed development is considered to be contrary to Core Policies 1 and 2, the criterion requirements of saved Policy H33 of the saved Salisbury District Local Plan, and the aims of the NPPF to control housing development in unsustainable locations. The proposal is therefore contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9,

paras 109, 110, 115 & 117 of the National Planning Policy Framework (December 2024), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternative in order to promote a sustainable pattern of development.

2. Whilst this householder application seeks planning permission for ancillary accommodation, for the reasons set out above the Council does not consider the proposal to constitute ancillary accommodation and instead regards it as a new dwelling. As a result, the site is situated within the River Avon (Hampshire) catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The proposed development is unplanned development and is therefore unable to benefit from the Council's credits for phosphorus mitigation. The application will therefore be required to provide bespoke mitigation to mitigate the impact of these increased nutrients, no such details have been provided with the application submission. The proposal would therefore conflict with Wiltshire Core Strategy policies Core Policy 50 (Biodiversity and Geodiversity) and Core Policy 69 (Protection of the River Avon SAC); and paragraphs 11d(i), 193-195 of the National Planning Policy Framework 2024.
3. Whilst this householder application seeks planning permission for ancillary accommodation, for the reasons set out above the Council does not consider the proposal to constitute ancillary accommodation and instead regards it as a new dwelling. As a result, the proposed development site lies within the 13.8km zone of influence for the New Forest protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in combination with other plans and projects. The application does not include proposals to mitigate the impact of the additional recreational pressure and without such mitigation, the Council as a competent authority cannot conclude that the development will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects. The proposal would therefore conflict with Wiltshire Core Strategy Core Policies 50 (Biodiversity and Geodiversity) and 24 (New Forest) and paragraphs 11d(i), 193-195 of the National Planning Policy Framework 2024.