

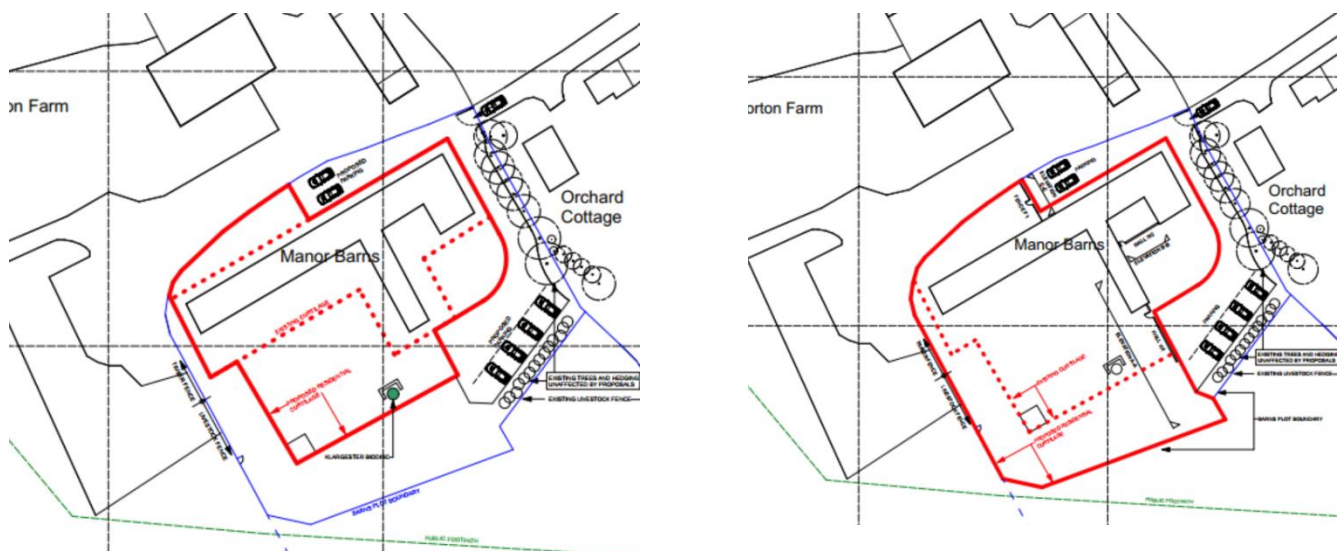
APPLICATION FOR FULL PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/03036
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Manor Barns, Norton, Malmesbury, SN16 0JR
DEVELOPMENT DESCRIPTION:	The change of use of additional land to Residential (C3) and retrospective application for low garden walling, fencing and gates between car parking and garden areas at the barns.
RECOMMENDATION:	Approve with Conditions

PROPOSAL

The proposal seeks planning permission for the change of use of land to residential (C3) and retrospective permission for low garden walling, fencing and gates between the car parking and garden areas at the barns within the application site. The application is submitted using full planning application forms. During the course of the application, a replacement location plan was submitted due to a small anomaly with the red line.

A recent full planning application was granted under PL/2026/00387 which was also for a change of use of land to residential (C3). The comparative extracts below demonstrate the approved red-line from application PL/2026/00387 and the extended red line subject to assessment within this application:



(L-R) – Approved Site Plan Under PL/2026/00387 and Proposed Site Plan

The main building is a former barn which has been converted into a single residential unit. The previous change of use approved under PL/2026/00387 approved an altered residential curtilage for the building which enabled an enlarged residential amenity area for the occupants

of the main building. This current application seeks to further extend the residential curtilage to the south and west of the plot, increasing the amenity land associated with the residential unit.

Additionally, the decision granted under PL/2026/00387 also imposed a condition which revoked Permitted Development rights for the erection of gates, walls, fences and other means of enclosure. This application is seeking retrospective permission for the erection of a fence directly in front of the parking area to the north of the boundary (referred to as F1 within the submitted plans). Also, two walls have been erected within the site (referred to as W1 and W2).

Firstly, a Cotswolds stone gabion wall has been erected spanning across the two projecting sections of the building (referred to as Wall W2), to separate this section of outdoor space from the car parking area. A timber gate is incorporated into the left-hand side of the wall to enable access to the outdoor space and into the building itself beyond.

A further wall has been erected to the SE of the boundary (referred to as Wall W1) which incorporates a timber five bar field gate with pedestrian gate which adjoins a Cotswold stone wall with cock and hen capping stepping down in height.

Additionally, a hazel hurdle fence with timber picket fence (referred to as Fence F1) has been erected to provide separation between the gravel parking area and the rear garden to enable pedestrian access between the two.



Wall 'W1'

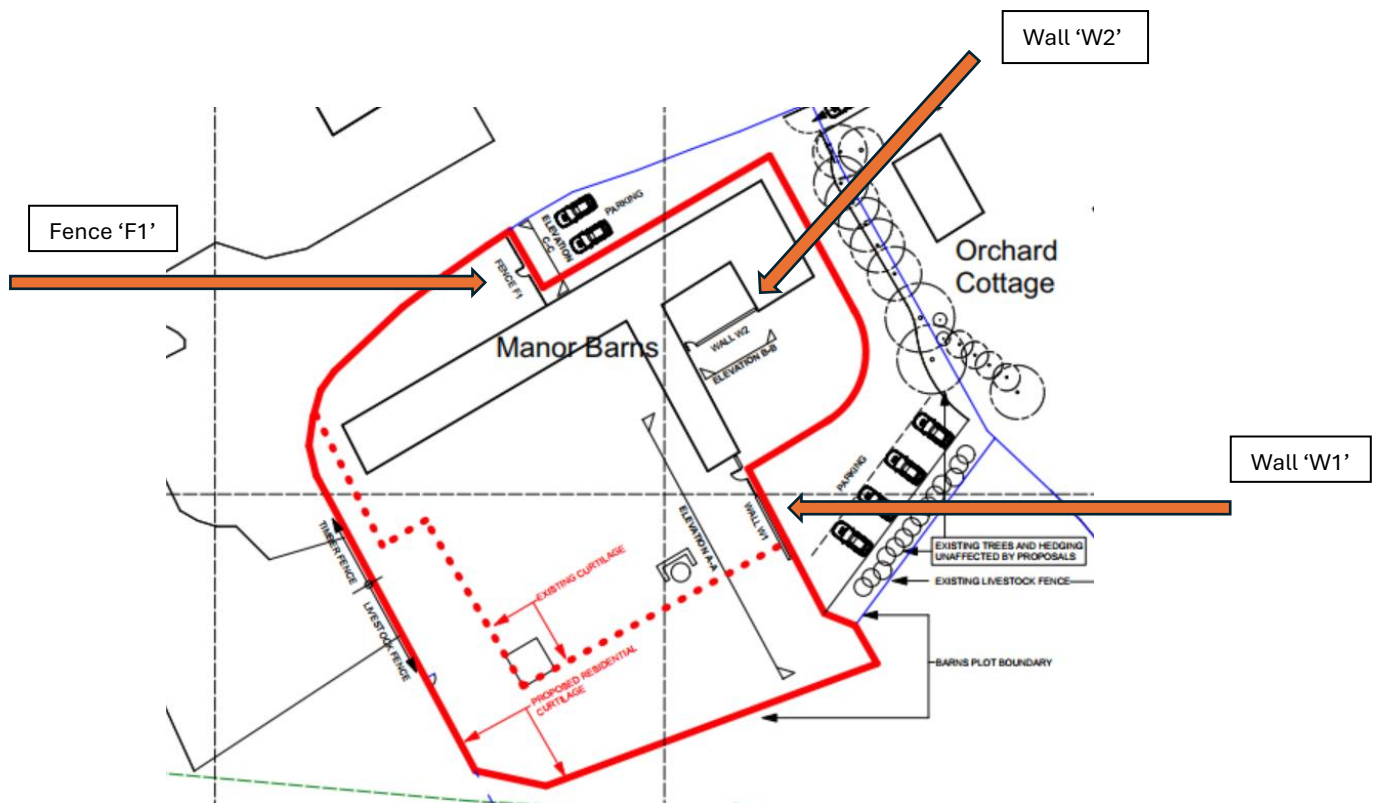


Wall 'W2'



Fence 'F1'

The proposed site plan below demonstrates the locations of the fence and walls within the application site:



SITE DESCRIPTION/CONTEXT

The site known as Manor Barns is a former free standing agricultural building situated in a rural location in the small village of Norton, within the Malmesbury Community Area. The building is fairly secluded, with residential dwellings Norton House and Orchard Cottage in close proximity. The Barn itself is a substantial building and has been subject to a previous change of use application which was granted to change the former agricultural building into a dwellinghouse. The site is accessed via an existing track which links to the main road, with areas within the plot enabling off-road parking to serve the dwelling. The site is bound to the south and west by agricultural fields, with Public Right of Way NORT5 located to the immediate south of the boundary. Whilst land to the south-east of the site is registered with Natural England as being priority habitat, the site is not within, or directly adjacent to an ecological designation and detail provided under previous planning applications associated with the site does not indicate that protected species are present at the site.

The application site is subject to the following planning policy constraints:

- Public Right of Way - NORT5
- Negligible Risk of Ground Water Flooding

- Countryside Character Area - Cotswolds

PLANNING HISTORY

Proposal / Summary
PL/2025/00811 - Householder planning permission Decision - Approve with Conditions Date: 5/6/2025 – Proposed alterations to barn conversion (plots 1 and 2) permitted by Prior Approval Ref: 19/06326/PNCOU (Part Retrospective)
PL/2026/00387 - Full planning permission Decision - Approve with Conditions Date: 7/4/2026 – Change of use of land to residential (C3) and (retrospective) installation of package sewage treatment plant
19/06326/PNCOU - Notification Decision - Prior Approval Granted Date: 19/8/2019 – Notification for Prior Approval for a Proposed Change of Use of Agricultural Buildings to 3 no. Dwellinghouses (Class C3), and for Associated Operational Development.
19/08430/DOC - Approval of details reserved by a condition Decision - Approved Date: 7/10/2019 – Discharge of condition 2 of application 19/06326/PNCOU
N/03/00163/FUL - Full planning permission Decision - Approve with Conditions Date: 18/3/2003 – TWO STOREY EXTENSION

RELEVANT POLICIES AND GUIDANCE

National Planning Policy

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Wiltshire Core Strategy (WCS)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 13: Spatial Strategy for Malmesbury Community Area
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 61 Transport & Development
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk

Saved Policies of the North Wiltshire Local Plan (NWLP)

- H4: Residential Development in Rural Areas
- NE14: Trees, Site Features and the Control of Development

Supplementary Planning Documents and other Guidance

- Wiltshire Design Guide (adopted April 2024)

ISSUES

The main issues that need to be addressed in this case include:

- Principle of development
- Design and Impact upon the character and context of the area
- Residential Amenity
- Rights of Way
- Ecology Impact

CONSULTATION RESPONSES

Council Highway Engineer: No objection –

I refer to the above planning application dated 11/05/2026 seeking permission for the change of use of additional land to Residential (C3) and retrospective application for low garden walling, fencing and gates between car parking and garden areas at the barns.

The site is located with existing access onto Easton Grey Road, a C classified section of public highway subject to a speed limit of 60mph. There are no proposals to alter the existing access with the public highway. PROW footpath NORT5 runs to the south of the proposed extension, I believe the Countryside Access Team have been consulted in this regard.

The proposals seek to extend the residential curtilage to the south to allow some 700sqm additional residential land enabling a larger garden space. This would not alter the existing trip generation for the site.

The retrospective element with regard to walls, fences and gates are all located within private land away from the public highway, therefore I have no concerns over these.

It is therefore considered that no highway objection be raised.

Council Rights of Way Officer: No objection –

Public footpath NORT5 runs immediately to the south of the extended garden area. I have no objections subject to the following informative:

The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the Highways Act 1980 and 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 NORT5 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

Norton and Foxley Parish Meeting: No comments received.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site;
- An advertisement placed in the local press

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted, however no representations have been received.

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 Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of development

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.
- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

The application site is located outside of any defined settlement limits and predominantly sited within open countryside however, and as was stated at the time of the previous application, the proposals concern a form of residential development which broadly conflicts with the aims of CP1, CP2 and CP13, since it is in open countryside where new residential development is typically resisted. However, in this instance and as was the case previously, permission is sought for an extension of residential land that would be associated with an existing dwelling and therefore the principle of such forms of development is established as acceptable.

When comparing the previously approved red line boundary to that which is under current consideration, the land subject to the change of use to residential is not considered to be significant when taking into account the full extent of agricultural land that is within the wider holding.

Whilst the principle of development is acceptable, the suitability of the proposal remains subject to assessment within the subsequent sub sections within this report.

Design and appearance

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design and materials, with particular regard required for the compatibility of the design with the host dwelling and its surroundings, together with the relationship to adjoining buildings and spaces. The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality, whilst Section 12 of the NPPF emphasises design that is visually attractive, functionally effective and contributes to the quality of the built environment.

The change of use sought under the previous permission – PL/2026/00387 – increased the overall land within the residential curtilage of the permitted dwelling. Prior to that permission, the original red line was much reduced and followed the contours and layouts of the buildings within the application site, thereby additional and increased amenity land was sought to serve the dwelling.

This current application seeks to change the use of further land into residential, to increase the residential curtilage to the south and west of the application site. The extended land to the west would be in close proximity to an area of existing former farmstead hardstanding, whilst

to the south the extension of the land would extend to beyond the existing car parking sited to the east, with all land still within the Applicants ownership.

Whilst increasing the degree of residential land within the application site, the overall proposed extension to amenity land is not considered to represent unacceptable encroachment into agricultural land. Whilst extending to both the south and west, the proposed extension would still retain a close relationship with the host dwelling. Whilst the overall plot size would be substantial, it is comparative to other residential properties found within the wider area around the application site. However it should be made clear that this further increase to residential amenity would represent the upper limits of acceptability, and any further increases may be considered to represent an unacceptable encroachment into the surrounding agricultural land.

For clarity, it is considered necessary to impose a condition requiring that the land subject to the change of use shall be used only incidentally to the enjoyment of the dwellinghouse as opposed to ancillary to. This distinction is important because an incidental use is one that is subordinate and secondary to the residential occupation of the property, whereas an ancillary use may encompass activities that are more closely associated with, and potentially operate as an extension of, the primary residential use. The condition therefore ensures that the land remains functionally and physically subordinate to the dwellinghouse and does not evolve into a separate planning unit, and such condition helps to safeguard the residential character of the property and surrounding area.

As the increased size to the amenity land can increase land that could also be used for the siting of domestic paraphernalia or outbuildings, this could ultimately lead to an increase in built form and clutter within the site. The application site is relatively open in a rural setting and therefore may be visible within this location, especially from the Public Right of Way towards to the SW corner of the site. The boundary treatment around the lower section of the site is predominantly livestock fencing which has an element of transparency and so to safeguard the visual amenity of the site, it is deemed appropriate to remove permitted development rights for extensions, garages, outbuildings, fences and other means of enclosure so that these elements can be assessed in their own merits.

Furthermore, it is acknowledged that walls, fences and gates have been erected within the application site, overlooking the previous removal of permitted development rights for such features. However, collectively, the style and appearance of the walls and fences and their location within the application site are considered acceptable, with the chosen style and construction materials sympathetic and in-keeping to the overarching character and appearance of the application site. The extent of the walls, gates and fencing is proportionate to where they are sited and remain somewhat discreet, and do not result in an incongruous appearance within this vicinity.

Overall, the proposal is considered acceptable and visually in-keeping with the character and appearance of the existing building and the surrounding area. The increase to residential land does not result in unacceptable encroachment into agricultural land. The chosen materials and styles of fencing, walls and gates are complimentary to the material palette of the locality, enhancing the overall aesthetic without detracting from the character of the property and its plot. The fences, walls and gates are relatively modest in scale and discreetly sited within the plot to avoid unacceptable visual impact. Therefore, the proposal is deemed to be acceptable

and in accordance with WCS Core Policy 57, the Wiltshire Design Guide and the relevant provisions within the NPPF.

Amenity

Core Policy 57 of the Wiltshire Core Strategy states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The properties in close proximity to the application site are Norton House and Orchard Cottage to the west, with Norton Farm positioned to the north.

The additional land that is subject to the change of use is positioned to the south and west of the application site to the opposing section of the site to the aforementioned properties, therefore the existing separation distances would be respected and would not diminish. As previously detailed, the openness to the site and existing boundary treatments may result in the additional land being visible to the occupants of the surrounding properties, however the inclusion of the removal of permitted development rights ensures that the additional land would be used incidentally to the main dwelling as opposed to ancillary to. The removal of permitted development rights helps to control the future potential siting of domestic extensions, outbuildings, fences and means of enclosure to help deter visual clutter from the site, helping to retain a sense of openness and avoid any resulting in unacceptable visual impact.

The locations of the fences, walls and gates are wholly within the application site and are discreetly sited. The heights and built form of the walls and fences do not result in unacceptable visual impact, nor do they result in overshadowing or a sense of enclosure to the surrounding properties by virtue of their overall limited height and positioning. Whilst elements of these works may be visible to the surrounding occupants, the existing separation distances help mitigate against any unacceptable visual impact.

Overall, it is considered that the proposed works will not result in unacceptable impact to residential amenity of the surrounding properties, nor will it result in unacceptable visual impact, overlooking, loss of light, overshadowing or overbearing effects. The positioning of the neighbouring properties, along with the separation distances to the site boundaries, ensures an adequate buffer between the proposed development and adjacent properties and this spatial arrangement helps to prevent any sense of encroachment, maintaining an acceptable level of privacy and residential amenity. Therefore the proposal complies with WCS Core Policy 57 and Appendix D of the Wiltshire Design Guide, as an appropriate level of amenity can be achieved.

Rights of Way

Transport implications are a key factor in assessing planning applications and proposals must demonstrate that there is safe and suitable for all users, including pedestrians, including protection and enhancement of public rights of way and active travel routes.

WCS Core Policy 60 seeks planning developments in accessible locations, whilst also mitigating the impact of developments on transport users, local communities and the environment. WCS Core Policy 61 states that the transport impacts of new developments need to be assessed in accordance with national guidance.

The proposal is to extend the residential curtilage of the main building. In close proximity to the site is Public Right of Way NORT5, which runs immediately along the SW corner of the boundary of the application site. The proposed land subject to the change of use, as well as the fences, walls and gates erected, are contained within the residential curtilage and whilst vantage points to the application site are possible from the Right of Way, it is considered that the development will not obstruct, divert, or otherwise impede access along the route. The proposed works do not encroach upon the definitive line of the Right of Way, enabling the continued safe and convenient use of the path. Wiltshire Council Rights of Way Officers have not objected to the proposed works, however have requested for an informative to be included which reiterates that the ROW should not be obstructed, and that no materials, plant, temporary structures or excavations of any kind should be undertaken/deposited which could obstruct or adversely affect the ROW.

As such, the proposal is considered to have no adverse impact on the public right of way or its users and the application is therefore in accordance with WCS Core Policy 60 and 61.

Ecology

WCS Core Policy 50, where development proposals must demonstrate how they protect features of nature conservation and geological value, as well as how proposals will incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. Additionally, CP50 requires development to deliver measurable Biodiversity Net Gain (BNG), in line with the Environment Act 2021.

Overall, the proposal would result in less than 25sqm of habitat being impacted. The proposal seeks the change of use of land which would be used incidentally to the main building, whilst removing permitted development rights for outbuilding, extensions and garages helps to safeguard the wider site from development may result in a higher degree of habitat being impacted in the future.

Available resources confirm that the site is not subject to ecological constraints with no existing records of protected species within the vicinity. Therefore collectively, the proposed development is not considered to result in any significant harm to biodiversity and the works therefore comply with CP50 of the Wiltshire Core Strategy.

PLANNING BALANCE AND CONCLUSION

The proposed change of use is considered acceptable and would not result in an unacceptable encroachment into agricultural land. However, it does also represent the upper limit of what could reasonably be supported in this location and any further expansion or intensification of the use would result in an encroachment onto surrounding agricultural land which would be

considered unacceptable. The land subject to the change of use should be used incidentally to the main building and whilst generally new residential development is resisted in the open countryside, the residential land would retain a close relationship with the main building and the resulting plot size is considered acceptable in the context of the surrounding area.

Overall, the proposal would not result in unacceptable visual impact within this location, and the siting of the fences, walls and gates, together with their construction materials, are not considered incongruous within the setting, sympathising with the overall character and appearance of the building, its plot and the surrounding area. Furthermore, the proposal would not result in unacceptable residential impact to the surrounding properties, nor would it result in any significant harm to biodiversity. Finally, the development would not result in adverse impact to the Public Right of Way, Nort5.

Therefore, the development is considered to comply with the relevant policies within the Wiltshire Core Strategy, the Wiltshire Design Guide and the relevant provisions within the NPPF.

RECOMMENDATION: That Planning Permission be GRANTED, subject to the following conditions:

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

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

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

PH / NMB / 400 – External Wall and Fences Elevations received 11.05.26
PH / NMB / 300 – Proposed Site Plan received 11.05.26
Location Plan received 06.07.26

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order there shall be no extensions or enlargements of any building on land forming part of the development hereby permitted.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans

REASON: To safeguard the character and appearance of the area

- 5 The land subject to this permission shall be used solely for purposes incidental to the enjoyment of the single dwellinghouse known as Manor Barns and shall at no time be occupied, used or laid out as a separate planning unit, for residential accommodation (whether occupied independently or otherwise), as an annexe, or for any purpose not incidental to the lawful use of the dwellinghouse.

REASON: In the interests of ensuring that the land remains incidental to the enjoyment of the dwellinghouse and does not facilitate the creation of a separate residential or other non-incidental use.

INFORMATIVES

1. The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the Highways Act 1980 and 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 NORT5 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.
2. In assessing this application, the Local Planning Authority has proceeded on the basis that the property comprises a single planning unit occupied as one dwellinghouse, as set out within the submitted information and previous application submissions. This permission relates solely to the change of use of the land to residential use incidental to that dwellinghouse. Applicants are advised that any future subdivision of the dwelling or the creation of a separate residential unit, including through the occupation of part of the property independently from the main dwellinghouse, may constitute development requiring planning permission and would need to be assessed on its own merits.