

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION

OFFICER DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/02804
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	Land at Lye Common, Christian Malford, Wiltshire, SN15 4BH
DESCRIPTION:	Proposed Car Port
RECOMMENDATION:	APPROVE WITH CONDITIONS

PROPOSAL

The application seeks planning permission for erection of a car port. It would be constructed from an oak timber frame with a dual-pitched slate roof. It would measure approx. 5.95m by 5.95m with a maximum height of 3.85m.

SITE DESCRIPTION

The application site is an area of land to the east end of the curtilage of a single-storey dwellinghouse, comprising hardstanding, an access to the highway and a post-and rail fence to east side. Its setting is characterised by the rural street scene which forms the edge of the settlement of Christian Malford. It is the settlement boundary of Christian Malford. Relevant designations and constraints include Flood Zone 2 and 3, Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%), Groundwater levels are either at or very near (within 0.025m of) the ground surface, Watercourse 20m Buffer, and a public footpath (CMAL22).

PLANNING HISTORY

PL/2024/07255 - Change of use of land to residential, with laying of hard-standing and new site entrance/access (APPROVED WITH CONDITIONS 30/05/2025)

- Condition 5 (surface water drainage) discharged under ref. PL/2026/01894.

PL/2022/04758 - Variation of condition 3 of 19/01738/FUL to amend the position of plot 6 dwelling (REFUSED 10/10/2022).

PL/2022/02089 - Variation of condition 3 of 19/01738/FUL to incorporate re-design of plot 6 (REFUSED 23/05/2022).

19/01738/FUL - Proposed development of 6 dwellings (APPROVED WITH CONDITIONS 09/06/2023).

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy (WCS):

- Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)
- Core Policy 61: Transport and new development (CP61)
- Core Policy 62: Development Impacts on the Transport Network (CP62)
- Core Policy 64: Demand Management (CP64)
- Core Policy 67: Flood Risk (CP67)

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

Christian Malford Neighbourhood Development Plan – Made March 2018 (MNP):

- Policy D1: Design

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

CONSULTATION RESPONSES

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

Christian Malford Parish Council – No objection, subject to condition, commenting that all previous conditions for the site must be undertaken prior to commencement of any further development, including installation of a non-return valve to a drainage pipe along the edge of the patio, the replacing of 2no. mature trees for visual amenity reasons to replace those removed to the east of the gateway, to relocate post and rail fencing along the entire length of the sight splay allowing also approved landscaping to be provided, planting of hedgerows to screen a pumping station enclosure on adjacent land, to change the original parking area to residential garden on the application, to identify the Neighbourhood Plan Boundary correctly as per the plan (11/06/2026).

Wiltshire Council's Highways Team – No objection, the car port would not alter trip generation and they consider that vehicles would still be able to access and egress from the site in a forward gear (16/06/2026).

Wiltshire Council's Drainage Team – No objection, as the proposed works are minor in nature and will not result in a significant increase in impermeable area or corresponding flood risk when compared to the existing baseline scenario (19/06/2026).

REPRESENTATIONS

Immediate neighbouring dwellings were notified of the application, and a site notice was displayed on 27 May 2026. No letters of representation were made by members of the public.

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

Core Policy 57 of the Wiltshire Core Strategy requires all new development, including extensions and alterations to existing buildings, to meet a high standard of design by, among other things, ensuring a positive response to the features of the site itself and its landscape or townscape setting.

Policy D1 of the Christian Maford Neighbourhood Plan supports developments that result in high quality design, expecting that they respect the existing layout, character and historic design features of the village and conform with the principles of CP57.

Appendix D of the Wiltshire Design Guide expects, amongst other things, that a well-designed householder development should be carefully considered to respect the original building and the neighbouring properties, by not dominating the existing building and appearing as a subservient, supporting addition, and fitting into the general street scene, which could be achieved by replicating the style, form, rhythm, materials and architectural detailing of the original house or by contrast with a modern or traditional aesthetic.

The traditional design of the car port would contrast with the modern architectural style of the dwellinghouse, but in such a rural edge-of-village setting its juxtaposition would not appear incongruous. Furthermore, in terms of size, scale and its siting, it would read as a subservient supporting addition.

While the Parish Council have suggested various conditions, including the planting of trees and hedgerows, a scheme of soft landscaping is not necessary to make the development acceptable in design and visual amenity terms.

For the above reasons, the development would not harm the character or appearance of the surrounding area. Furthermore, it would satisfy the expectations of adopted design guidance and the requirements of Policy D1 of the CMNP and CP57 of the WCS.

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 10 Lye Common, Lye Common House, Applewood, and Fairfield.

The proposed car port is an open-framed structure, sited away from the boundaries of the curtilage with neighbouring dwellinghouses. Furthermore, it is modest in size and scale and designed to provide shelter for vehicles.

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 WCS.

Drainage and flood risk

The application site is at high risk of flooding due to its Flood Zone (FZ) 2 and 3 designations, alongside high risk of surface water and groundwater flooding identified in Wiltshire Council's Strategic Flood Risk Assessment (SFRA).

The application was supported by a site-specific Flood Risk Assessment (FRA) which initially identified the site in FZ2, and Wiltshire Council's Drainage Team, relying on the accuracy of that document, raised no objection. An amended FRA was submitted 8 July 2026 to correctly identify the site in FZ3, and the Drainage Team have confirmed by email that FZ3 designation would not fundamentally change their advice.

The PPG¹ differentiates between FZ3a (high probability) and FZ3b (functional floodplain) both in which development is tightly restricted but only essential infrastructure that passes the exception test and water-compatible development is permitted in FZ3b.

Wiltshire Council's SFRA² does not provide fully mapped extents for FZ3b, instead it takes a precautionary approach that the extent of FZ3a should be considered 3b unless otherwise demonstrated by a site-specific FRA. The applicant's FRA would not dispute a FZ3b designation.

The PPG³ advises that minor developments, including householder development, are unlikely to raise significant flood risk issues unless they would have an adverse effect on a watercourse, floodplain or its flood defences; they would impede access to flood defence and management facilities; or where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

Irrespective of what vulnerability classification the development falls under, it is not essential infrastructure or water-compatible based on the list under Annex 3 of the NPPF. The Environment Agency's (EA) National Flood Risk Standing Advice (NFRSA)⁴ places a holding objection on incompatible development in FZ3b, although the EA is not a statutory consultee for minor development.

While in policy terms the development is not compatible with the FZ in which it is proposed, the car port would be an open-framed structure that would not impede flows during times of flood, would require no increase in impermeable area versus the existing situation, and would not be occupiable by people and therefore does not place lives at greater risk of the effects of flooding.

The Drainage Team advice confirms that the development incorporates measures for the managing of water run-off, does not increase impermeable area or corresponding flood risk when compared to the baseline scenario. It is relevant that surface water drainage measures have already been confirmed as acceptable by the Local Planning Authority⁵.

As the development would require connection into the approved surface water drainage system, implementation of which is unknown, a condition is recommended

¹ PPG, Paragraph: 077 Reference ID: 7-077-20220825 (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#para77>).

² Wiltshire Council Level 1 Strategic Flood Risk Assessment (Nov 2024), p.30.

³ PPG, Paragraph: 051 Reference ID: 7-051-20220825 (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#para51>).

⁴ National flood risk standing advice for local planning authorities (<https://www.gov.uk/guidance/national-flood-risk-standing-advice-for-local-planning-authorities>).

⁵ Discharge of Condition 5 (surface water drainage) for PL/2024/07255. (see: PL/2026/01894).

to require implementation of such measures prior to the first use of the development in the interest of minimising the risk of flooding to the site and development. It is noted that the Parish Council requested that a condition to secure such similar details.

For the reasons given, and subject to recommended conditions, the development would have an acceptable effect in respect of flood risk and not conflict with CP67 of the WCS.

Highway matters

The development would not increase movements to or from the site and sufficient space would be retained to allow vehicles to access and egress the site in a forward gear. Wiltshire Council's Highways Team raise no objection and, for the reasons given, it would not cause unacceptable harm to highway safety.

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

The Parish Council requested various conditions and raise other matters, relating to soft landscaping, relocation of means of enclosure, changes to parking areas, and to ensure the MCNP boundary is drawn correctly.

For the reasons set out above, soft landscaping is not necessary to make the proposed carport acceptable in planning terms while other soft landscaping, approved or otherwise secured by condition in relation to previous consents on the site, are matters for the applicant to implement and/or the Council's Enforcement Team where failure to implement is a breach of planning control.

The pumping station does not form part of the application site, as it is outside the red line area. Therefore, soft landscaping cannot be secured nor does the pumping station relate to this application.

It was observed during the site inspection that post and rail fencing has been erected on site. However, such features do not form part of this application and they are not shown on the submitted plans.

It is understood that the original parking area is at the west side of the dwellinghouse curtilage. While this is within the applicant's blue line, it is outside the red line area and does not form part of the application site for the purposes of this development. The

concerns do not materially relate to the development proposed, so changes to the parking area cannot be sought if they were necessary.

It is suggested that the MCNP boundary has not been accurately represented on the submitted plans, and the Parish Council indicate there may be some nuances to its precise location. However, there is no requirement for plans to show the boundaries of a spatial plan, rather it is only important that the plans identify the land in respect of which the application has been made. The Local Planning Authority can be satisfied that the land in respect of which this application has been made is lawfully in residential use as per approval PL/2024/07255, so the development would involve no further encroachment into open countryside.

PLANNING BALANCE AND CONCLUSION

The development would have acceptable effects in respect of matters of acknowledged importance to the public interest, subject to the recommended conditions. 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 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:

Application Form. Materials. Received 12 May 2026.

Location Plan and Proposed Site Plan, Elevations and Floor Plan. 256-PL03. Received 12 May 2026.

Drainage Design. 0200 Rev P02. Received 12 May 2026.

Drainage Calculations. Received 12 May 2026.

Flood Risk Assessment. Received 8 July 2026.

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

3. The development hereby permitted shall not be first brought into use until the drainage scheme has been implemented in accordance with the approved plans.

REASON: In the interest of surface water management and providing mitigation for flood risk.

Informatives to Applicant:

1. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Wiltshire Council's land drainage byelaws can be downloaded from our website in this link: <http://www.wiltshire.gov.uk/civil-emergencies-drainage>.

The land drainage consent application form and guidance notes can be found on our website in this link: <http://www.wiltshire.gov.uk/civil-emergencies-land-drainage-ordinary-watercourse>.

For further queries on land drainage consenting please contact the drainage inbox at Drainage@wiltshire.gov.uk.

An environmental permit is required for any works within 8m of a main river. Consult the Environment Agency's main river map to see if a watercourse is designated as a main river. The main river map can be found in this link: <https://www.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>.

However, under the Flood and Water Management Act 2010 Wiltshire Council is the Lead Local Flood Authority and has the lead responsibility for surface water management, therefore **the discharge rate from the site must be agreed with Wiltshire Council** as part of agreeing the surface water drainage strategy for the site.

For more guidance on environmental permits, consult the website in this link:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.