

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/01093
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Bowls Club, Melksham House, 27 Market Place, Melksham, SN12 6ES
DEVELOPMENT DESCRIPTION:	Erection of a 2-metre-high fence to the South, East and West perimeters with the construction of a concrete ramp to provide wheelchair access.
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

The proposal seeks planning permission for the erection of a 2m high fence to the south, east and west perimeters and the construction of a concrete ramp to provide a wheelchair access.

The proposed fence is to be finished in a dark green colour, to match the tennis court fence. A second consultation has been arranged following the submission of the amended plans to show the installation of the planters. Planters will also be installed with planting trained up the proposed fence.

SITE DESCRIPTION/CONTEXT

Melksham House was constructed in the 18th century as a dwelling and is listed as a good example of such. It retains significance in its historic fabric and architecture - its form, layout and architectural expression/detailing and use of high-quality design materials which have significant aesthetic and architectural interest and which contribute to the character of the conservation area. A postcard from the turn of the century suggests that elaborately planted designed gardens surrounded the house.

After a short period of occupation by the Red Cross as a hospital in the early 20th century Melksham House was acquired by the Avon Rubber Company to house their sports and social clubs. It has remained in this use until recently, including housing bowls, football, rugby, cricket and tennis clubs within the grounds, and the association with leisure and recreation is an established part of the building's history and of some communal value. Melksham House is now in use as a special educational facility, while the wider site continues to house leisure facilities, including a new sports centre. The approach to the house, however, remains largely unchanged and is via an attractive landscaped and planted drive which reflects its former domestic use.

The site is wholly within the Melksham Conservation Area.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 57 Ensuring High Quality Design and Place Shaping

Combined Melksham Neighbourhood Plan (CMNP)

- Policy 18: Locally distinctive, high-quality design

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

Melksham Town Council:

First Consultation

“MTC does not object to the application.”

Second Consultation

“Melksham Town Council does not object in principle to the erection of fencing. However, we note and support the comments of the Conservation Officer. We would request that any fencing be of a height (no more than 1.2m) and style more sympathetic to the setting. Melksham Town Council does not object to the installation of a wheelchair access ramp.”

Wiltshire Council Highways Engineer: No objection received in either consultation

Wiltshire Council Arboriculture: No objection received subject to condition.

“No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until an Arboricultural Method Statement, and Tree Constraints Plan showing the exact position of each tree/s, in accordance with British Standard 5837: 2012: “Trees in Relation to Design, Demolition and Construction - Recommendations”; has been submitted to and approved in writing by the Local Planning Authority, and;

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall

be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.”

Wiltshire Council Conservation: Objection in both consultation responses. (Available in full on the council's website).

“The ramp is uncontroversial but the proposed fencing will result in harm to the setting of the listed house and adjacent assets and to the conservation area via the inappropriate specification which will add to poor quality visual clutter within the area and contribute to the incremental erosion of its character.

Whilst the fencing relates to only a small part of the wider site and can therefore be considered as causing ‘less than substantial harm’ for the purposes of interpreting the NPPF, the wording of the NPPF and the ‘special regard’ by Section 66 of the Act requires that any level harm caused should be taken seriously.

Paragraph 215 allows that a level of harm may be offset by public benefits, which could include conservation benefits, but in this case no objective justification has been provided for the works and it has not been demonstrated that the works will result in any public benefit that could not be achieved by more appropriate means. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and I therefore object.”

REPRESENTATIONS

No comments were 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 adopted Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans.

Principle of Development

In most minor applications, the principle of development is not a matter for detailed assessment, as the residential use of the site is already established and the proposal typically involves minor works within the curtilage of a lawful dwelling.

As such, the principle of development is considered acceptable, subject to the detailed assessment of design, amenity, and other material considerations set out below.

Heritage Impact

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990.

Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

The comments from the Council's Conservation Officer (CO) are noted. It is noted that the current bowling green may be seen as an extension of the formal lawns. However, it is also noted that the surrounding area has seen the installation of several examples of additional fencing serving both the school and the tennis club.

The concern over the increase in visual clutter and potential for overbearing impact are noted. While it is noted that this proposal would see the installation of a new element of fencing in close proximity to Melksham House, the proposed planting is also noted.

While the mention of the suggested height is noted, it is also noted that a fence of 1.2m in height or no fence close to Melksham House, would defeat the requirements and need of a fence which is to secure the bowling green and prevent unauthorised access or damage. It is understood that the bowling green has suffered several instances of damage in the past which has meant the club cannot carry out their main function.

The proposed fence does not adjoin or attach to the listed building (Melksham House) and as such there is no loss of historic fabric or direct harm. Instead the potential impact or harm arises from the impact of the fence upon the setting of the listed building.

The comment regarding the spread of additional elements and the closing in of the previously open space is noted. However, in this instance the separation of the various elements of Melksham House has already taken place, with the installation of fencing for the school and the tennis courts.

The proposal in this instance would see the introduction of new fencing and as a result would result in less than substantial harm to the lower end of the scale, as the fencing would introduce a new element of visual clutter. The comment regarding either a lower fence or no fencing on the edge of the green closest to Melksham House is noted, however this would render the fence moot as it would not secure the bowling green.

However, while harm has been identified (albeit at the lower end of less than substantial) the NPPF requires public benefit to offset this harm. In this instance the proposal will ensure that the security of the clubs bowling green can be secured, and the use of the green can continue. It is noted that the club serves a wide range of age ranges and social groups and as a result has a wide range of public benefit.

It is also noted that the proposal will be mitigated by planting in free standing planters which will be trained up along the fence. When combined with this mitigation it is considered that the residual identified harm to the setting of the listed building will be outweighed by the wider public benefits arising from the community use of the bowling club and green.

The potential impact upon the Conservation Area is also noted. However, due to the location and situation of the fence, and the geospatial scale of the conservation area, it is not considered that the proposal would result in harm to the character, appearance or setting of the wider conservation area.

The proposed concrete ramp is a minor addition and does not have any impact upon the historic fabric or setting of the listed building or the wider conservation area.

While harm to the setting of the Grade II listed building has been identified and this is afforded great weight as directed by the NPPF; it is noted that there is sufficient public benefit in securing the continued viable usage of the bowling green as part of a community focused group to offset this harm as required by the NPPF at paragraph 215. As such the development is therefore considered to comply with Core Policy 58 of the Wiltshire Core Strategy and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the relevant provisions of the NPPF.

Design and Impact upon the upon the character and context of the area

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 the fence is comparable to that found on the rear of the school building and the nearby tennis court. When viewed in the totality of the wider site, while the proposal would be a noticeable addition, it remains an appropriate form and scale for the site and serves as an effective security measure. The scale does not suggest that the wider site is being overdeveloped.

The design of the fence in terms of material and colour is comparable to that of the tennis court fencing in close proximity to the site. The proposal is typical of an ancillary element to a sporting use and is an acceptable form of development. The proposed planters and trained planting would further mitigate the potential impacts in terms of design leading to a softer appearance.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide and Policy 18 of the Combined Melksham Neighbourhood Plan.

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.

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

Due to the location of the fence and distance from neighbouring properties it is not considered that the proposal would result in unacceptable amenity impacts in terms of loss of light, overbearing, overshadowing or loss of privacy.

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

Arboriculture

It is noted that there is no arboricultural objection to this application in principle, however the pits dug for the fence posts to the East of the site need a tree constraints plan identifying the

location of the trees on and off site, and an arboricultural method statement (AMS) to explain how they proposed to dig the pits within the RPA of the trees, and demonstrate that they propose to use an impermeable membrane to prevent the leaching of chemicals into the soil.

Consideration may also need to be given to works to the trees if these are required to facilitate the installation of the fence. Currently there are no tree works proposed, and as the site is within a conservation area, any works to the trees will require consent.

Agreement has been obtained for the use of the pre-commencement condition requiring the submission of additional details. This condition will ensure that the proposal is acceptable and the arboriculture elements can be appropriately addressed.

CONCLUSION

The proposed development is considered to be acceptable in terms of its design, scale, and relationship with the surrounding area. It would not result in any unacceptable harm to the character of the locality, the amenities of neighbouring occupiers, or the interests of highway safety or ecology. The identified harm to the character and setting of the listed building is at the lower end of less than substantial and sufficient public benefit has been identified to offset the great weight that has been attributed to the harm as required by the NPPF.

The proposal is therefore considered to comply with the relevant policies of the Wiltshire Core Strategy, the Wiltshire Local Plan, and the National Planning Policy Framework. As such, the application is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: That Planning Permission be GRANTED subject to 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:

Location Plan
Proposed Fence and Ramp Plans
(Received by LPA 20th March 2026)

Amended Site Plan- Planting and Colour of fence
(Received by LPA 3rd June 2026)

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the approved drawings and application form.

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

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until an Arboricultural Method Statement, and Tree Constraints Plan showing the exact position of each tree/s, in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.