

## Wiltshire Council Planning Consultation Response

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**Application No:** PL/2026/04391  
**Removal of Garages and Erection of Three Detached Dwellings with Associated Parking**  
**Land rear of 20 Fore Street, Westbury, BA13 3AX**

Please find following comments in respect of the above application(s).

### Recommendations:

|                                     |                                                                             |
|-------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/>            | No comment                                                                  |
| <input type="checkbox"/>            | Support in principle subject to amendments to the scheme (as set out below) |
| <input type="checkbox"/>            | Support subject to conditions (as set out below)                            |
| <input checked="" type="checkbox"/> | Object (for reasons set out below)                                          |
| <input type="checkbox"/>            | No objections                                                               |

**Scope of comments:** the following comments relate to the built historic environment.

**National Policy and guidance:** 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 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. Section 66 (PP) require that **special regard** be given to the desirability of preserving or enhancing listed buildings, *their settings* or any features of special architectural or historic interest which they possess.

The NPPF outlines government policy, including its policy in respect of the historic environment. These comments were drafted under the 2025 version where Section 16 of the NPPF 'Conserving and enhancing the historic environment' which set out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 214-16 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

The NPPF (August 2026) sets out Government planning policy for England. Chapter 20, *Conserving and enhancing the historic environment*, recognises heritage assets as an irreplaceable resource. Heritage assets should be conserved in a manner appropriate to their significance, with harm avoided unless there is a clear and convincing justification. Decision-makers are required to apply a balanced approach, giving

substantial weight to the conservation of heritage assets and weighing any harm to significance against the public benefits of the proposal.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

**Historic England’s “Conservation Principles” provides policy and guidance for the “sustainable management of the historic environment”. Additional guidance is also contained within their publications:**

- **Historic Environment Good Practice Planning Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment (2015)**
- **Historic Environment Good Practice Planning Advice Note 3 – The Setting of Heritage Assets (2nd edition)**

The following points are taken from the Historic England document “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3) that are considered to be particularly relevant:

HE GPA3 Part 1:

“The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.”

“The extent and importance of setting is often expressed by reference to visual considerations. ...views of or from an asset will play an important part...”

“While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time.”

“The importance lies in what the setting contributes to the significance of the heritage asset or to the ability to appreciate that significance.”

Other HE publications

HE GPAs and HEANs [The Planning System | Historic England](#)

**Local Policy:** The Council’s Core Strategy Policy CP58 ‘Ensuring the conservation of the historic environment’ requires that “designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.” It is also required that distinctive elements of Wiltshire’s historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Council’s Core Strategy CP 57: Ensuring high-quality design requires a high quality of design in all new developments. Proposals are required to “demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) “enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development” and “responding positively to the existing townscape and landscape features 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.”

**Proposal:** The proposal is for the demolition of the existing garages which offer off-street parking to 18-20 Fore Street (8 dwellings) and for the construction of 3No. detached dwellings (2-bedroom) with their own parking and landscaping.

**Relevant planning history:**

W/82/00679/HIS - One detached dwelling – Refused

W/81/00567/HIS - Block of five garages – Approve with Conditions

W/82/00008/HIS - Change of use and extension to provide a dwelling and the erection of three lock - up garages – Approve with Conditions

W/10/01239/PREAPP - Proposed dwelling – recommendation of refusal for a new dwelling due to the conditions, loss of parking and impact on Highways.

Reference is made to a recent application for 18 Fore Street (under the same ownership) which included the construction of two parking spaces for the works to sub-divide this property. (PL/2024/10874)

There has been a number of recent applications that sub-divide and/ or extend the properties 18-20 Fore Street, and as a result, the buildings between them now form 8 dwellings (data from the GIS layer of addresses). The off-street parking for these properties is within the proposed site.

**Issues:** impact on the setting of neighbouring listed buildings (GII & GII\*), impact on the setting of the conservation area, both designated heritage assets under the NPPF terminology.

**Information considered/provided:** Under the NPPF (2025) paragraph 207 required that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance.

Policy HE5 of the NPPF (2026) requires applicants to assess the significance of any heritage assets affected by a proposal, including the contribution made by their setting, and to identify the likely effects of the development on that significance. Sufficient information should be provided to enable a clear understanding of the significance of the heritage asset and its setting, and the impact of the proposal upon it.

Decision-makers must be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals and in this case whilst the application is accompanied by a “Design and Access Statement” the document provides limited information about the site and fails to provide any acknowledgement of the designated heritage assets, and therefore does not provide an assessment of the setting of the listed buildings or the character of the conservation area (both designated heritage assets), as a result, it fails to meet the requirements of the NPPF.

The submitted Transport Statement covers the change of movements to and from the site, recognising that at present the site offers 17 spaces (4 in garage and 13 ‘rented by residents or town centre users’). The proposed scheme would retain 3 parking spaces for the ‘adjacent flats.’ The planning history shows that the parking spaces on the site are for a higher number of units. Whilst parking is not generally a heritage consideration, there is concern, as discussed later about the wider impact on the town centre with the loss of residential parking spaces.

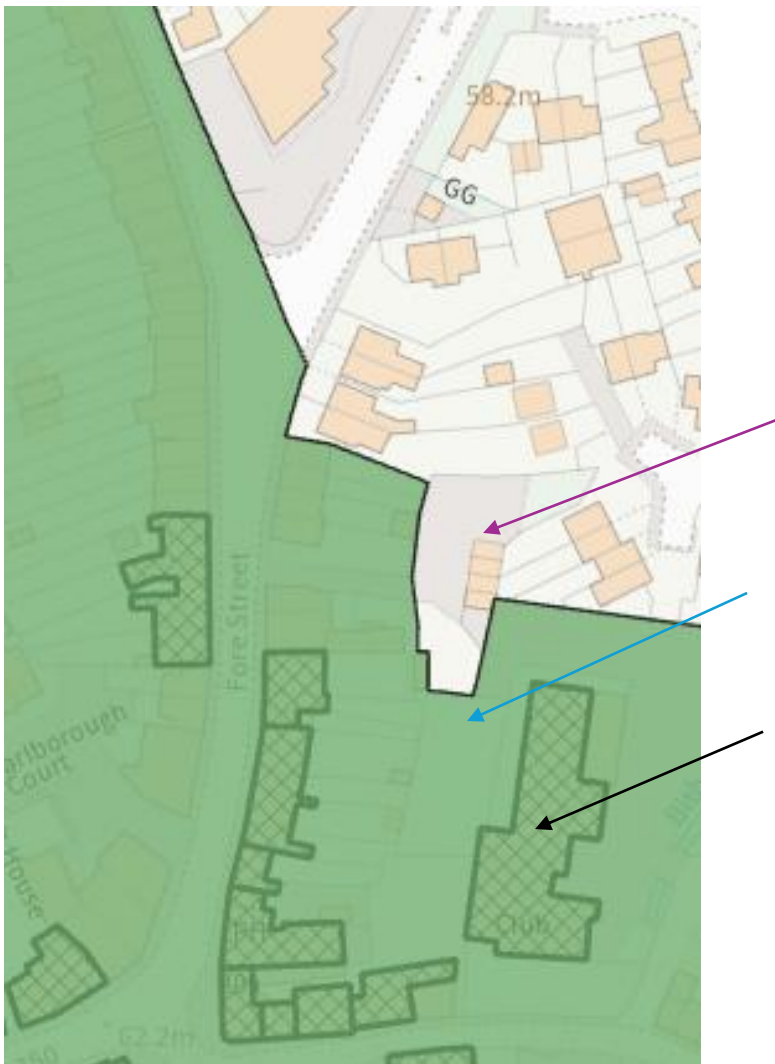
No details have been provided for the loss of the trees or shrubs which provide some screening to the newer development (Kingfisher Drive) from the public realm. The loss of the trees and the screening will be considered to cause harm to the setting of the conservation area, and as they are within the public view will be protected under the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Significance of assets and contribution of setting:** The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be

**archaeological, architectural, artistic or historic.** Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

The interest may be architectural, or historic as set out in the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 S 1.

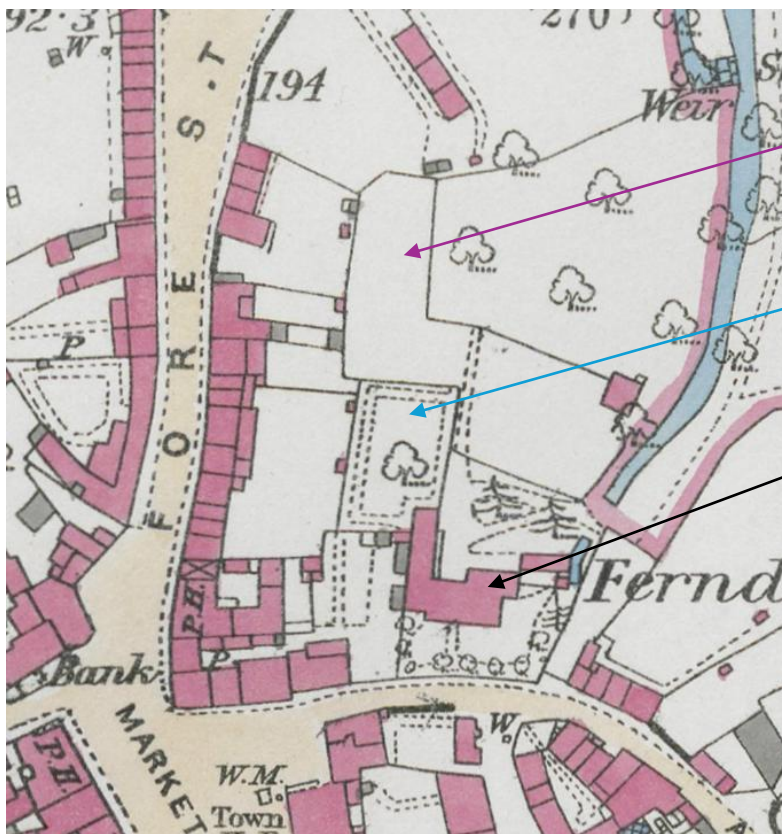
Whilst not in a conservation area, the site is surrounded by the conservation area boundary, and within the setting of listed buildings, including 14-18 Fore Street (GII) and Westbury Conservative Club (Ferndale House), a Grade II\* listed building (black arrow). Ferndale is an early C18 former dwelling, set within substantial grounds. The main building has a rear, single storey, flat roof extension, but retains much of its original curtilage, including the 'beer garden' to the south of the proposed site (shown in blue arrow below). The site can also be viewed from 9,11,15 & 15A Fore Street (GII) on the opposite side of the road. These properties are dated to late C18/early C19, though are likely to date from the 1700's and re-fronted in the late C18.



Map showing Conservation Area (green), the proposed site (purple arrow) and the listed buildings (hatched), including the GII\* building (black arrow) & Beer Garden (blue arrow).



1840s Tithes Map. The proposed site is No.71, with access through No.73.



1<sup>st</sup> Ed. OS map (1844-1888). Site highlighted with purple arrow. Ferndale, with its large gardens can be seen, with a track connecting Ferndale with the Orchard. (Blue arrow in currently the Beer Garden and black arrow is Ferndale).

The first historic OS map (1844-1888) shows that the site was a separate plot, with the existing access connected to No. 22 which had a structure (shown as grey on the OS map) across. By the second edition (1894-1903), the access included part of the rear to No. 20, which had a reduced curtilage but does not include the site, whose ownership appears to be part of Ferndale (Westbury Conservative Club).

The VCH provides the following summary on Ferndale:

*At the end of the 19th century it was called Ferndale, and is thought locally to have been once the rectory house. It is a stone house, perhaps of 17th-century date. Its two-storied brick front, however, is of the mid-18th century with stone Venetian windows and Gothic glazing-bars. It stands in fairly extensive grounds for a town house.*

Ferndale still retains much of its original curtilage, except the proposed site, which is not clear on the historic maps if it was owned by Ferndale, but it certainly had access through the site to the orchard. The main part of the proposed site is therefore likely to have formed part of the curtilage of Ferndale until post the 3<sup>rd</sup> Ed. OS Map (1898-1939).

Westbury was an important Market Town (chartered in 1252), and the importance and scale of the market is reflected on the scale of the large Market Place. The town gained wealth (and status) through the importance of the cloth trade in the C15, which was in decline by the mid C19, even if Westbury seems to have had the first steam powered industry in the county (1806) to power Angel Mill. The large Town Hall (1815) was built for Sir Manasseh Masseh who bought the Manor for parliamentary seats. But it was the arrival of Abraham Laverton in 1849 who revitalised both the town and the industry. Laverton's influence, and the wealth created by the cloth trade, can be seen throughout the town, especially in the built environment.

The historic core of the town is focused on the Market Place and the four main streets which led to it, including Fore Street. Fore Street, (now part of the A350) was the principal route from Trowbridge to Warminster, the larger trading towns. Fore Street (with West End and Edward Street) are lined with workers cottages, many appearing to date from the later from the C18 and early C19, but they have been re-fronted in this time appear to have been constructed in the 1700s. The terraces of smaller houses form a key part of the character of Fore Street, and this part of the conservation area. Whilst developed individually or as small groups, they create a small, closeknit collection of buildings. This contrasts with the openness of the Market Place, and the dominance of the Town Hall which projects into the Market Place.

Westbury Conservation Club (Ferndale) on Alfred Street is set within its own grounds, and unlike most of the historic built form in the town centre, has a front garden and a wide elevation with four Serlio windows. The nature of the site allows views through to the newer houses beyond. The rear of the main building has been extended with single storey elements. To the side of the Conservative Club is a public footpath that follows Bitham Brook, and from here there are views across the rear of the Club towards the site. The trees and open space retain a sense of the once large gardens of Ferndale, and contrast with the confines of the built form on Fore Street and the urban feel within the Marke Place.



*View from the public footpath (Gibbs Close), across the rear the Conservative Club. The pitched roofs to the left include the listed buildings of Fore Street and an extension (orange arrow), and the trees where the proposed development may occur. The gables on the right-hand side are from Kingfisher Drive.*

Terrace houses and workers cottages were generally little considered within architectural history, but with an increase in understanding of industrial heritage, the importance of the terrace house and workers cottages has increased. Terraces vary from the humble '2 up, 2 down' or 'back-to-back' terraces often found in the Midlands and the North, to the grand terraces of town houses, such as in Bath. The terrace on the east side of the street, including the site pre-date the 1840s (as they are shown on the 1840s Tythe map) and believed to date from the 1700s, making these early terraces, even though the Historic England listing dates them to the C18. No. 20 & 20A are slightly later and have been built from a finer Ashlar detail in stone and has since been rendered, indicating that these may have been built for a person of slightly higher status, or by as a show of wealth. The group has been subject to several poor changes (as recognised within the Conservation Area Appraisal), mainly from the loss of the windows and doors, and the applying of a render. Some of the works have been identified as unconsented, including the loss of the doors to No.20 and the replacement windows to No.18. Additional pressures to the dwellings have been undertaken with the sub-division of the buildings (such as No.18 & 20). This combination of changes has had accumulative negative impacts on the significance of the listed buildings and the character of the conservation area.

The development pattern of the town responds to the linear development around the Market Place, and All Saints Church, which expanded south with the development of the Mills and then the associated development to support this. The core of the town (and the conservation area) retains the urban form from at least the Early Modern period, if not the Medieval period, and this contributes to the significance of the conservation area, and the setting of the listed buildings within the northern part of the town.

In this case the significance of the buildings and the conservation area lie largely with its historic fabric and vernacular architecture that has been 'modernised.' Fore Street is an early group of terrace houses built to support the workers within the local industry and use of vernacular materials have significant aesthetic and architectural interest, and which contribute to the character of the conservation area. The site appears to

have once formed part of the curtilage of the Grade II\* Conservative Club (Ferndales), and the openness contributes to the setting of the listed buildings and the conservation area.

**Assessment:** The proposed scheme looks to demolish the existing garages and construct 3No. detached houses. As established above, the character of this part of the town is smaller houses formed in a linear development pattern along the road. The boundary of the conservation area includes the terrace to the north of the access, and these houses form part of the setting to the listed buildings (9,11,15 & 15A Fore Street & 14-18 Fore Street). By developing on the land with three detached houses set within their own plots, this will change the historic development pattern. Whilst the scale of the proposed development is of a similar scale, the ad-hoc layout, with no details of any boundary treatments is considered to be at odds with the linear development pattern. This is considered to cause harm to the setting of the designated heritage assets.

Whilst not all changes will result in harm, the site offers an important buffer zone between the newer development to the north-east (Kingfisher) and the historic development protected by the conservation area and designation. The layout of the Kingfisher development responds and respects the designated heritage assets in its placement. The encroachment of further development to what has been historically open ground is considered to cause harm to the setting of the designated heritage assets.

There has been an accumulative impact of piecemeal encroachment already undertaken with the rear extensions along 18-20 Fore Street which are visible from the public realm. Some of these works have altered the scale of the dwellings from smaller independent dwellings that were traditionally formed along Fore Street. This is particularly evident with the large extension to the rear of No.18. Whilst individual applications can have minimal or no harm to the significance of a heritage asset, the accumulation of these elements can result in harm. As raised above, the further loss of the open space is considered to cause harm to the setting of the designated heritage assets. Under the revised NPPF (2026), policy HE4 recognises the importance of setting to the significance of a heritage asset, and states:

*1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:*

*a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and*

*b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.*

*2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.*

Policy HE5: *Assessing effects on heritage assets* continues, 'In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered', with Policy HE6 requiring 'substantial weight' to be given to protecting significance, and the more important the asset, the greater the weight, and irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance. In this situation, the proposed development is considered to cause harm to the setting of the conservation area, and the setting to Grade II and Grade II\*

listed buildings.<sup>1</sup> The setting of a listed building is not considered from the public realm, it has undefined boundaries.



*View looking towards the site, from Fore Street, within the CA.*



*View looking towards the rear of Fore Street and the rear of Westbury Conservative Club (GII\*). Encroachment of rear extensions, in particular No.18, has resulted in the loss of open space between the smaller dwellings and the extensive grounds of the Conservative Club.*

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<sup>1</sup> Grade II\* buildings are particularly important structures of more than special interest, making up roughly 5.5% to 5.8% of all listed buildings in the country

The proposed backland development changes the linear development pattern and the established type of houses (terraces) by creating detached houses. No details have been provided of any boundary treatments or parking arrangements. The submitted information indicates that there will be 3 parking spaces 'for the flats', but not for the other properties who park here, as shown on previous planning applications. This has the potential to cause harm to the setting of the listed buildings and the character of the conservation area.

At present, the site offers off street parking for 20, 20A, 20B, 18A and 18, (refer to site plan PL/2024/10874, below), and the loss of the parking for these properties has the potential to either encourage on street parking which is considered to cause harm to the character of the conservation area, or encourage the cars to be parked within the Market Place which would reduce the potential for visitors and shoppers to park and access the local facilities.

Whilst it could be argued that the additional dwellings (4No. 2 Bedroom) would increase potential footfall, the permanent parking or even the potential for the reduction of availability within the Market Square (which has c.20 spaces) due to the loss of 17 parking space (or parking for up to 8 residential units as identified on the GIS system) would discourage others to visit the town. Visitors would generally be for shorter periods, to visit the shops, hairdressers, library, and other facilities or for an evening (when the spaces are more likely to be occupied by the residents) to visit the pubs, food outlets, etc. Local shops and facilities need support, and this includes the visitors from outside of the town which are within the catchment area.<sup>2</sup> Reducing the ease of public car parking will force shoppers and visitors to go to other places where parking is easy. The loss of the local shops and facilities would have a negative impact on the character of the conservation area which is a vibrant town.

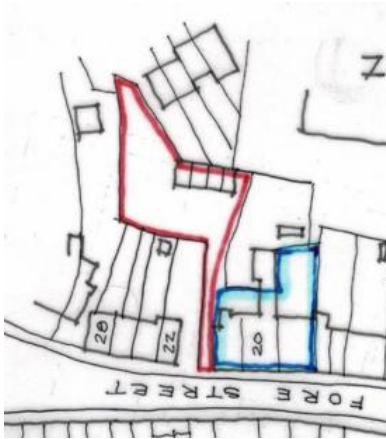


Site Plan taken from PL/2024/10874 – 18 Fore Street - Conversion of existing house into two town houses



Site Plan taken from 20/01275/FUL – 20 Fore Street - Conversion of redundant offices to a residential dwelling

<sup>2</sup> “Car parking availability plays a pivotal role in retaining and attracting visitors to stores, making stores more accessible, enhancing customer experience and promoting longer visits. Research by the Federation of Small Businesses with Public First showed 38 per cent of the UK public said more accessible or cheaper parking would most encourage them to visit businesses on their local high street. Beyond shopping experience, the congestion can also reduce accessibility for employees and service and delivery traffic”. – British Retail Consortium - [The Importance of Sufficient Car Parking for Retail Success](#)



Existing site plan from application

No details have been provided for the bin location, for either the new development or those placed along the access road beside No.20.

The proposed scheme would result in the loss of parking/ garage space for properties along Fore Street which has the potential to have a wider negative impact on the vitality of the town. The proposed development would result in the loss of open space that offers a positive contribution to the setting of the conservation area and the setting of the listed buildings on Fore Street and Westbury Conservation Club (Ferndale House), Alfred Street.

The application has not submitted a Heritage Statement or taken the impact on the setting of designated heritage into account, and therefore the application fails to comply with the NPPF (2025) requirement (para. 207) when validated or Policy HE5 of the new NPPF (2026).

#### Additional Information

During the site visit, it was noted that there was unconsented works undertaken to No.18 and the works to No.20 had not been completed in accordance with the approved planning permission. Therefore, some consideration that the appearance of the surrounding area is should not be taken as precedence for the design or character of the conservation area.

**Summary & conclusion:** The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, substantial weight (NPPF 2026) should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals will result in harm to the setting of designated heritage assets, including a Grade II\* listed building. Whilst the impact is to the setting, the NPPF recognises the importance of the setting as part of the significance of a heritage asset, and therefore for the purposes of interpreting the NPPF, it should not be seen as being of lesser consequence. Indeed, the wording of the NPPF and Section 72 of the Act requires that any harm caused should be taken seriously.

Policy HE6 allows for harm caused to be weighed against the public benefits resulting from the proposal. However, in this case it has not been demonstrated that the works will result in any public benefit, which Policy HE6 identifies:

*Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.*