

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION

DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/03437
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	The Cedars, Swindon Road, Malmesbury, SN16 9LU
DEVELOPMENT DESCRIPTION:	Retention of timber garden shed and fence
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

The proposal seeks planning permission for a timber fence along the roadside boundary of the application site and a timber garden shed within the front amenity space.

The timber fencing would sit atop a low dwarf wall which abuts the public footpath. A central gap would provide a shallow flight of steps leading up into the front amenity space, and the fence panels on either side of this entrance would have chamfered corners. A curved section of fencing is proposed at the eastern end where the boundary leads round to a private driveway serving properties lying behind The Cedars. At the western end of the application site, the fence would stop parallel with the highway boundary and Priory Lane, which is also a private access road.

The fence would be approximately 2m above ground level and would be constructed of vertical timber boarding.

The proposed shed would be sited in the south-western corner of the front amenity space, measuring approximately 1.8m by 1.8m, with a ridge height of approximately 2.3m. One door is proposed on the northern elevation with one window on the eastern elevation facing into the front garden space. The shed would have typical timber elevations and felt roofing.

The development has already been undertaken; therefore, this proposal is retrospective in nature.

SITE DESCRIPTION/CONTEXT

The application site comprises a double-fronted dwelling set on the northern side of Swindon Road. The property benefits from a relatively small garden which wraps around the main house. Vehicle access and parking are from the private driveway adjacent to the eastern end of the site, where there is designated parking.

The site lies within the settlement boundary of Malmesbury, which in this location encompasses a ribbon of development stretching eastward along the Swindon Road.

The site is not subject to any specific constraints, as it lies outside and some distance from any heritage assets, flood zone, national landscape, or ecological designations.

PLANNING HISTORY

There is no planning history on the site or on adjacent sites, which are considered to impact upon the determination of the current proposal.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management

Malmesbury Neighbourhood Plan: Made 2015

Volume II Design Guide: Objective 8.1 Development must make a positive contribution towards the distinctive character and form of the town as a whole and relate well to its site and surroundings.

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

St Paul Without Parish Council: No Objection

WC Highway: No Objection to retain the fence or shed. No significant impact on highway safety

REPRESENTATIONS

One Letter of Representation was Received

Main Reasons for Objections

- Visual impact in prominent location
- Shed is forward of the property – should be in rear garden
- Fence out of character

- Reduced visibility for pedestrians and road users using the junction with Swindon Road and Priory Lane
- Shed and Fence are topographically higher than adjacent land, therefore more visually prominent

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.

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.

As previously reported, the development has already been undertaken and the proposal is therefore retrospective in nature. However retrospective planning applications must be determined on their planning merits in the same manner as any other planning application. The key consideration is whether the development is acceptable in planning terms, having regard to the provisions of the Development Plan, national planning policy and any other material considerations. The fact that the development has already been carried out does not, in itself, weigh either for or against the proposal.

It is noted from historic mapping and photographs that the original boundary treatment was formed from soft landscaping with a mature boundary hedgerow with some trees.

Whilst the site is located within the settlement boundary of Malmesbury, this eastern stretch has a more rural, edge of town character and is a transitional location between the built form and the rural countryside. The removal of the hedgerow is regrettable, given its contribution to the rural character of the locale. However, having regard to the relatively limited extent, the appearance and the wider context of existing boundary fences within the immediate locality the resulting visual harm is considered minor. It is noted that the similar fences to the east of the site have naturally weathered and are less visually intrusive than the new timber currently on site.

On balance the proposal is considered acceptable in terms of visual impact and is not considered sufficiently harmful to justify a reason for refusal in this instance.

In terms of the proposed shed, it is considered a small structure and a minor addition to the front amenity space. It is noted that the ground within the front amenity space of this property is topographically higher than the adjacent land, but its small scale and bulk result in it

appearing as a subservient structure. In terms of the impact on character and appearance of the site of the area, it is noted that there are other properties, extensions and other minor buildings close to the roadside. For example, it is not untypical for detached garages to be set within front amenity spaces and it is noted that to the west of the site at Fairview, Ref: PL/2023/09104, permission was recently granted for a detached garage forward of the property.

It is noted that a letter of representation has been received with objections relating to visual impact, the building line, forward projection, detrimental impact on the character and appearance of the site et al. However, as opined above, whilst it is considered regrettable that the original soft boundary treatment has been removed, it is not considered that a reason for refusal could be sustained on this particular proposal.

It is noted that the Parish Council have not raised any objections to the proposal.

It should also be noted that some changes have been made to the boundary treatment along the western side of the site where it abuts Priory Lane, which is a private track leading to properties to the rear of the site. The Case Officer has been in discussions with the applicant over these changes, as has the Council's Enforcement Team. It is recorded that that the applicant is aware that these changes will require additional permission if retained and that steps are currently being taken to address this unauthorised development. It must also be stressed that this element forms no part of this proposal and any subsequent grant of permission arising from this proposal will not give authority for amendments or additions along that boundary line.

Should permission be granted, it is considered appropriate to append a condition to ensure that the development is retained in its current form. It must also be noted that if the shed or fence are altered, then a new planning application will be required.

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.

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.

Policy P3 of the NPPF requires development to contribute positively to the creation of healthy, safe and inclusive places. In particular, Policy P3(b) seeks to ensure that development provides a high standard of amenity for existing and future users and safeguards the reasonable living conditions of neighbouring occupiers. In assessing amenity impacts, regard should be had to matters including privacy, outlook, daylight and sunlight, overbearing impacts, noise and disturbance, and the overall quality of the living environment created by the development.

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.

The proposed development would not result in overshadowing, loss of privacy or outlook on adjacent neighbouring occupiers. The development is restricted to a front boundary fence and small shed where no adjoining private amenity space is located. The adjoining land on either end of the site provides access only to the relevant properties sited behind The Cedars.

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

Highways Impact

Core Policy 57 (xiv) of the Wiltshire Core Strategy seeks to ensure that development must meet the requirements of Core Policy 61. This policy requires proposals to be capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure compliance with parking standards set out in the Local Transport Plan.

The National Planning Policy Framework (NPPF), particularly Policy TR3 (1)(c), and Policy TR6(4), requires that development proposals do not have an unacceptable impact on highway safety and that safe and suitable access to the site can be achieved for all users.

Neighbouring occupiers have raised concerns that retaining the fence and shed will reduce visibility for pedestrians, cyclists, and motorists at the junction of Swindon Road and Priory Lane. This is particularly noticeable when approaching the junction along Priory Lane towards Swindon Road.

As the fence and shed are located directly adjacent to the adopted highway and driveway entrances to properties to the north of The Cedars, the Council's Highway Engineers were consulted from the outset of the proposal.

Their comments read as follows:

The site is located with frontage onto the B4042 Swindon Road, a classified section of public highway subject to a speed limit of 30mph.

The property is sited between two access points, Priory Lane, a private lane to the west and the private driveway access to three properties, including The Cedars.

The fence is adjacent to Swindon Road and sits at the rear of an existing boundary wall, linking to the existing fenceline which runs up Priory Lane. Previously this border was a hedgerow of significant height which would be required to be maintained to ensure pedestrian and vehicle visibility from Priory Lane. The new fence sits slightly further back from the line of the previous hedgerow and as such does not alter the existing visibility splay at this access nor at the property access with the public highway.

Whilst the fence would be a permanent structure on the site boundary, it would safeguard the existing visibility splay and require less maintenance in doing so. The shed is set within

the property curtilage and would not have a bearing on visibility in regard to highways.

As such there would not be any significant impact on the public highway and therefore there would be no highways objection to the proposal to retain the fence or shed.

The proposal is therefore considered to comply with Core Policies 57 (xiv), 61 and 64 of the Wiltshire Core Strategy, the NPPF, and the Wiltshire Local Transport Plan.

Biodiversity Net Gain

Householder planning applications are exempt from the requirement to deliver Biodiversity Net Gain under Schedule 7A, Section 4(2)(a) of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021.

Nevertheless, as required by the regulations, any approval must include an informative reminder of the biodiversity net gain requirements.

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, heritage, or ecology.

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 carried out in accordance with the following approved plans and documents;

Application Form Received on 01 June 2026

Location Plan. Received on 01 June 2026

Block Plan. Received on 23 June 2026

Shed. Floor Plan and Elevations. Received on 23 June 2026

Fence Elevations. Received on 23 June 2026

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

2. Materials WB5 – The materials used in the construction of the external surfaces of the development hereby permitted shall be retained as installed and as shown on the plans hereby approved.

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