

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/03929
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	8 Long Leaze, Nettleton, Chippenham, SN14 7NR
DEVELOPMENT DESCRIPTION:	Erection of Garage/outbuilding
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

The proposal seeks retrospective planning permission for the retention of a domestic garage/ ancillary outbuilding in a revised position together with proposed alterations to the roof form of the attached side element. The alterations comprise the removal of the existing pitched roof over the side section and its replacement with a flat roof, thereby reducing the overall height, bulk and visual impact of the building.

The application follows the refusal of planning application reference PL/2025/08109 which sought permission for the retention of the building together with its conversion to provide ancillary residential accommodation.

The current proposal is materially different in that it does not seek residential accommodation and instead proposes retention of the building for purposes incidental and ancillary to the enjoyment of the host dwelling.

SITE DESCRIPTION/CONTEXT

The application site is 8 Long Leaze, a semi-detached dwelling located within the village of Nettleton. The setting is characterised by its rural surroundings, and the site backs on to open agricultural land. The property has previously been extended, although still follows the general pattern of development within the surrounding cluster of properties.

Specifically, this application relates to a building which is located directly adjacent to the south east of the dwelling at 8 Long Leaze. The latest aerial photograph below shows No.8 Long Leaze indicated in red. The previous garage on this site is marked in yellow. The black hatching indicates the adjacent Grade II listed buildings – Park View to the south east, Codrington House (the former Nettleton Arms) to the south and Boxheart Cottage (formerly an outbuilding to the Nettleton Arms) to the southwest.



The application site is not within a Conservation Area but is located within the Cotswolds National Landscape (CNL), specifically within the Dip-Slope Lowland. The Dip-Slope Lowland forms a broad area of gently sloping, undulating lowland with a predominantly south-easterly fall, and provides the final transition between the high Cotswold country and the Thames Valley. Intermittent small villages and isolated farmsteads define the pattern of settlement.

Nettleton is identified as a Small Village within the Chippenham Community Area in the Wiltshire Core Strategy (WCS). Nettleton has no settlement boundary, and as such the application site is in the open countryside for the purposes of planning.

The site is wholly within the Bath and Bradford on Avon Bat Special Area of Conservation.

The site is in Flood Zone 1, and there is no particular risk of surface water flooding identified.

PLANNING HISTORY

Proposal / Summary
PL/2022/02008 - Full planning permission Decision - Approve with Conditions Date: 12/8/2022 – Extension to Dwelling, Erection of Garage/Workshop/Office Building and Change of Use of Land
N/12/00519/FUL - Full planning permission Decision - Approve with Conditions Date: 16/4/2012 – Creation of New Access and Parking with Associated Works to Boundary Wall
13/05056/FUL - Full planning permission Decision - Approve with Conditions Date: 9/12/2013 – Erection of Two Storey Side Extension (Resubmission of 13/00528/FUL)
N/13/00528/FUL - Full planning permission Decision - Withdrawn Date: 18/4/2013 – Two Storey Side Extension
PL/2023/03175 - Approval of details reserved by a condition Decision - Approve Date: 23/5/2023 – Discharge of Conditions 4 & 5 of PL/2022/02008
PL/2025/08109 - Full planning permission – Conversion of the recently constructed garage into a self-contained residential unit.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape

Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

Bat Special Areas of Conservation (SAC) – Planning Guidance for Wiltshire

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

CONSULTATION RESPONSES

Nettleton Parish: Objects. The comment is summarised below and available in full on the application's webpage.

- Objects strongly to the application and recommends refusal, arguing that the workshop was not built in accordance with the permission granted under PL/2022/02008.
- Parish council maintains that the building was constructed in the wrong position, contains features that suggest potential residential use contrary to planning conditions, and has not complied with requirements relating to access and neighbouring amenity.
- It further argues that the proposal to replace the pitched roof with a flat roof would not overcome the harm identified to the neighbouring property, Park View, or address the reasons for refusal of PL/2025/08109.
- The parish council therefore requests refusal of the application and asks Wiltshire Council to investigate and enforce the original planning permission before determining the proposal

Wiltshire Council Highways: No objection to continued use as domestic garage.

REPRESENTATIONS

Three comments received, summarised below and available in full.

- Considers the application an attempt to retrospectively regularise multiple breaches of the original permission.
- States the proposal fails to address the incorrect location of the building, neighbour amenity impacts, heritage issues, and non-compliance with original conditions.
- Expresses frustration that enforcement action has been delayed while applications are pursued.
- Indicates supporting evidence has been submitted separately.
- The building breaches the 2022 planning permission due to its incorrect location.
- The proposed roof alteration does not overcome the identified harm.
- Harm to the occupiers of Park View has already been established through the previous refusal.
- The application should be refused and enforcement action pursued to relocate the building to the approved position
- Repeats findings from the previous refusal (PL/2025/08109), which concluded that the building has an overbearing and intrusive impact on neighbouring amenity.
- Argues that this would make only a negligible difference to the effects on light and outlook.
- They cite previous officer conclusions that similar roof amendments would not satisfactorily address amenity concerns.

- The letter suggests the building's location may provide advantages for future residential use and refers to a previous application seeking annex accommodation.
- The authors believe the building was intentionally positioned to suit the applicant's objectives rather than the approved plans.
- Oppose suggestions that a boundary fence could mitigate the impact.
- They argue that further screening would not solve the light-loss issue and note that planning officers had previously indicated that reliance on a future fence would be inappropriate.
- the unauthorised positioning of the garage/workshop and its adverse impact on light, outlook and amenity at Park View, with the authors arguing that the current application fails to remedy those harms and should therefore be refused.

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 householder 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.

However, in this instance, it is necessary to consider whether the proposed development is acceptable in principle due to the form of development and its location outside of a settlement boundary. Being viewed in planning terms as open countryside.

Unlike previous submissions, the proposal has shown the removal of the living accommodation and replacement with a domestic garage, workshop and storage above. As such the proposal in this instance is clearly an ancillary residential element. It is not considered that the development could be used as a separate planning unit. A condition will be attached which ties that the development to the same planning unit as the residential 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

Design and Impact 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.

Policies DP3 and DP4 of the National Planning Policy Framework require development to achieve a high standard of design that responds positively to local character and context. In assessing design quality, regard should be had to matters including scale, siting, form, appearance, materials and the relationship of development to its surroundings.

The proposal in this instance in terms of design is a relatively modern ancillary structure. In terms of scale the proposal, while large, is on a substantial plot and when viewed in its totality it is not considered that the building, as currently proposed, would suggest that the plot is being overdeveloped.

When viewed in the context of the wider street scene, due to the set back location, the proposal in this instance is considered to be a comparable addition to the wider street scene and again does not immediately stand out as a prominent addition.

The design and building palette is again typical of this form of ancillary development. The proposed change to a flat roof over the element closest to Park View, is again typical of this form of development and leads to a subordination of the built form within the plot. On balance this change to the proposal is acceptable and reflects the more traditional built form of the wider area.

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

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 National Planning Policy Framework requires development to be appropriate for its location, taking account of its likely effects on health, living conditions and the environment. In particular, Policy P3(2)(b) requires development to avoid giving rise to unacceptable impacts on the living conditions of neighbouring residents and occupiers. In assessing amenity impacts, regard should be had to matters including daylight and sunlight, outlook, privacy, overbearing impacts and other effects on residential amenity.

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 comments regarding the potential amenity impacts upon Park View, particularly in relation to overbearing impact and loss of light are noted. Due to the orientation and fenestration it is not considered that the proposal would result in an unacceptable level of overlooking into or out of the application site or neighbouring property.

Park View, a neighbouring Grade II listed cottage, lies immediately to the south-east of the application site. The building subject to this application has been constructed forward of its approved position. Whilst this change in siting does not significantly reduce the physical separation between the structures, the repositioning has altered the way the building is experienced from within Park View.

In particular, the garage building is now more readily visible from the ground floor windows on the north-west elevation of Park View. These windows serve principal rooms within the dwelling and are relatively small in scale and limited in number, reflecting the historic character and construction of the cottage. As a result, natural light levels are already limited and outlook is an important aspect of the residential amenity enjoyed by the occupiers.

While this arrangement was previously deemed to be unacceptable, the current proposal proposes a flat roof. While this was not considered in full drawings under the previous application, concern was raised in relation to the potential impacts.

It is noted that the applicant's could feasibly install a fence on the boundary between No 8 Long Leaze and Park View. This could be up to a height of approximately 1.8m. While not advanced under this planning application, this element is worthy of consideration as part of a potential fall back scheme.

The current proposal incorporates a flat roof to replace the existing pitched roof element. As a result of this amendment to the previously refused scheme it is considered that the proposal as dealt with here would lead to an overall improvement to the amenity levels currently experienced.

While there would be some potential impact in terms of overshadowing/loss of light. The proposal is not considered to result in unacceptable impacts in terms of overlooking or loss of light due to the relative distance, orientation and now reduced massing of the garage building. It is further noted that there are no windows proposed on the east elevation, which would have otherwise resulted in a potential for overlooking. This in this instance is not the case.

As a result of the revised flat roof scheme and being conscious that the applicants could erect a approximately 1.8m on the boundary (closer to Park View) without planning permission, which would have a greater deleterious effect on the residential amenity of Park View. This contributes to the assessment and conclusion that on balance the proposed flat roof element is does not result in unacceptable amenity impacts.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity, Appendix D of the Wiltshire Design Guide and 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 transport policies of the NPPF seek to ensure that development provides safe and suitable access for all users and that any impacts on highway safety are appropriately considered.

The proposed development would not result in any adverse impact on highway safety. Adequate parking and turning provision is provided in accordance with Wiltshire's adopted parking standards, and access arrangements are acceptable.

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.

Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess.

Core Policy 58 of the Wiltshire Core Strategy seeks to conserve and, where appropriate, enhance the significance of designated and non-designated heritage assets and their settings. Core Policy 57 requires development to respond positively to local character and historic context through high quality design.

Policies HE4-HE10 of the National Planning Policy Framework recognise heritage assets as an irreplaceable resource and require proposals affecting heritage assets to be assessed having regard to their significance and the contribution made by their setting.

The application site lies adjacent to a number of Grade II listed buildings, including Park View to the south-east, and Codrington House and Boxheart Cottage to the south and south-west respectively. The garage building subject to this application was originally approved under planning permission PL/2022/02008. At that time the scale, design and siting of the structure were assessed in relation to the setting of nearby heritage assets and were not considered to result in unacceptable harm.

The building has been constructed slightly outside its approved position. However, the structure sits broadly at right angles to Park View and the forward shift in siting does not unacceptably alter the relationship between the building and the neighbouring listed properties. The overall envelope, scale, height and form of the building remain consistent with that previously approved. Indeed, it is noted that the proposal now incorporates a flat roof which will reduce the perceived bulk of the resulting structure.

Having regard to the above, the development is not considered to result in additional harm to

the significance or setting of nearby listed buildings beyond that previously assessed. The proposal is therefore considered to accord with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, the heritage provisions of the NPPF, and Core Policy 58 of the Wiltshire Core Strategy.

National Landscape

Core Policy 51 of the Wiltshire Core Strategy requires all development to protect, conserve, and where possible enhance the character and quality of Wiltshire's landscapes, giving particular weight to designated areas such as National Landscapes.

Policy N4 of the NPPF affords significant protection to Protected Landscapes, including National Landscapes. Development proposals within or affecting a National Landscape should conserve and enhance natural beauty and the special qualities of the designated area and avoid unacceptable harm to its landscape character and scenic quality.

The site lies within the Dip-Slope Lowland character area of the Cotswolds National Landscape, a gently undulating landscape characterised by productive mixed farmland, medium to large hedged fields, scattered hedgerow trees and occasional stone walls. Woodland is limited to small copses, shelterbelts and estate plantations, giving rise to a mix of expansive and more enclosed views. Settlement is typically dispersed, comprising small villages, hamlets and farmsteads set within a predominantly rural landscape.

The Cotswolds National Landscape Management Plan seeks to conserve and enhance the special qualities of the designation, including areas of dark skies, and to oppose isolated residential development and the proliferation of suburban building styles and materials in the countryside. Policy CE6 specifically seeks to avoid and minimise light pollution and to resist development that would incrementally erode the rural character and dark night skies of the National Landscape.

The building subject to this application was originally approved under planning permission PL/2022/02008, and its overall scale, form and use as a garage or incidental outbuilding were considered acceptable within the landscape context at that time. The current application does not propose additional built form beyond that already constructed, and the modest variation in siting does not, in isolation, materially alter the wider landscape character of the area. Indeed the alteration of the element closest to boundary to a flat roof would see a positive reduction in the volume and perceived scale of the building.

The proposal, by virtue of its scale, siting, and design, would not harm the special qualities or scenic character of the Cotswolds National Landscape.

The development therefore complies with Core Policy 51 of the Wiltshire Core Strategy and Policy N4 of the NPPF in conserving and enhancing the National Landscape.

Other issues

The comments received during the consultation period are all noted. Specific comment has been made that the building has been constructed forward of its previously approved location. Following a site visit and discussion with the applicant, it is understood that discrepancy has arisen due to a divergence between the “paper” Ordnance Survey map and the real world boundary. This has meant that when measured off the boundary on site, the proposal has moved forward, when compared to the plan drawings.

The comments regarding deliberate action or attempts to bypass the planning system are noted. It is also noted that a planning enforcement case has been opened and this application submitted in response. As such it is not considered that the applicant has been successful in avoiding scrutiny. This application has been advertised correctly and public consultation has been carried out which satisfies the relevant legal requirements.

The concern over the creation of a new dwelling/planning unit is noted. As stated previously it is considered that an appropriately worded condition can be attached to any subsequent decision notice tying the building to the same planning unit as No Long Lease.

A condition is recommended to require the remedial works to be completed within a reasonable time period. This has been discussed and agreed with the applicant. It is necessary in order to avoid a situation where the applicant might claim they have planning approval for the development and that they intend to finish it through creation of the flat roof at some unknown later date.

Biodiversity Net Gain and Ecology

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.

The proposal is wholly within the Bat SAC, where typically additional ecology information would be required to ascertain the presence of bats. However, in this instance the building is a recent addition and is in good quality and repair. As such it is considered that the proposal in this instance is considered to be an unlikely roost for bats. As such no ecological survey work is required.

Public Sector Equality Duty (PSED)

In reaching this decision, due regard has been had to the Public Sector Equality Duty under Section 149 of the Equality Act 2010. This requires the Local Planning Authority to have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

The Local Planning Authority is satisfied that the proposal would not result in any unlawful discrimination and that any impacts on protected groups have been appropriately considered as part of this assessment.

CONCLUSION

The proposed development is considered to be acceptable in terms of its design, character and appearance, and would not result in any unacceptable harm to the amenities of neighbouring occupiers.

Furthermore, the proposal would not result in any unacceptable impacts in respect of any other material planning considerations.

The proposal is therefore considered to comply with the relevant policies of the Wiltshire Core Strategy, the National Planning Policy Framework and all other relevant material considerations. As such, the application is recommended for approval, subject to conditions.

RECOMMENDATION: That Planning Permission be GRANTED subject to conditions.

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.

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

Proposed Elevations 310.3.120 C

Proposed Ground Floor, Roof and Loft Plan 310.3.111 D

Location Plan

Proposed Site Plan 310.3.110 D

2022 As Approved - Proposed Garage Elevations (revised)

2022 As Approved - Proposed Garage Plans (revised)

Layout_LDC2336_08B.pdf

Since Demolished - Existing Garage/Storage Building and Greenhouse Plans and Elevations LDC2336_03

Received by LPA 9 Mar 2022

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

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.

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 8 Long Leaze and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

Within 6 months of the grant of this planning permission the pitched roof over the area annotated as a 'workshop' on drawing number 310.3.111 Rev D shall be removed and the works to provide the hereby approved flat roof detailed on drawing number 310.3.120 Rev C shall be carried out.

REASON: In the interests of the living conditions of neighbouring property.