

Sunday, 11 October 2026

Objection to Application PL/2026/05440

Site Address: Brook House, Tuners Lane, Crudwell, Malmesbury, SN16 9EH

Description: Change of Use of Residential Annexe to Holiday Let (Retrospective)

Introduction

This objection has been submitted on behalf of Mr William Bailey and Mrs Nicola Bailey, whose home adjoins the application site. It relates to application PL/2026/05440, which seeks retrospective planning permission for the use of the annexe at Brook House, also known as Stable Cottage, as a short-stay holiday let.

The annexe was permitted in 2003 under application N/03/01548/FUL, subject to a condition restricting it to purposes ancillary to Brook House and prohibiting any commercial or business use, and the reason given for that condition was the interests of residential amenity.

The grounds of objection, each of which is addressed in detail below, are that the holiday let use causes continuing and unacceptable harm to the living conditions of Mr and Mrs Bailey through loss of privacy, noise, disturbance and insecurity, contrary to Core Policy 57 of the Wiltshire Core Strategy, the Wiltshire Design Guide and the National Planning Policy Framework; that the evidence shows the unauthorised use was intentional, which the National Planning Policy Framework requires to be given substantial weight; that the flood risk information is inadequate and fails to consider the safety of short-stay visitors, including their means of escape from the annexe, contrary to Policy IT1 of the Crudwell Neighbourhood Plan and the National Planning Policy Framework; and that the submission contains a number of inaccuracies, which are identified where they arise below.

The Site and its Surroundings

Brook House lies on the western side of Tuners Lane in Crudwell, which is identified as a Large Village in the Wiltshire Core Strategy. The site falls within the Crudwell Conservation Area, designated in 1975. The Swill Brook runs east to west through the village, and the Neighbourhood Plan records the long history of flooding associated with it.

The annexe is a single-storey building of approximately 31.5 square metres, comprising one bedroom, a kitchen and living area and a bathroom. It stands to the north-west of Brook House within the residential curtilage and is served by its own access from Tuners Lane through double gates. The Design and Access Statement describes a private outdoor amenity area at the front of the annexe.

Brook House lies within Flood Zone 3 and the annexe within Flood Zone 2.

Mr and Mrs Bailey's cottage stands immediately next to the annexe, and the rear wall of their home forms the boundary with the application site. Their principal rooms run from the front to the back of the house, with windows at both ends. On the rear elevation facing the annexe are the windows serving their dining room and living room on the ground floor and their landing and main bedroom

on the first floor. On the second floor, the landing and main bedroom are lit by Velux rooflights which also look out over the annexe. The dining room window is approximately 18 feet (around 5.5 metres) from the annexe and the main bedroom window approximately 20 feet (around 6.1 metres).

Mr and Mrs Bailey also have an enclosed courtyard, bounded by a wall on the side facing the application site. This courtyard is the part of their property that receives the evening sun. The space used by guests to park their cars sits close to this wall.

The Application

The Design and Access Statement outlines that the applicants purchased Brook House at the end of 2025. The annexe is let to a maximum of two guests per booking, with check-in from 15:00 and check-out before 11:00. House rules provide for quiet hours between 21:00 and 07:00 and prohibit parties and events.

The Design and Access Statement concludes that there are “no discernible differences between the approved use as a residential annexe and the proposed use as a holiday let” and that there is “no overlooking or overbearing impacts on neighbouring properties”.

Planning History

Planning permission N/03/01548/FUL was granted on 18 August 2003 for alterations to a garden room to provide additional accommodation. The permission was granted subject to a condition that the accommodation be used for purposes ancillary to the use of Brook House as a single dwelling and not for any commercial, industrial or business purpose. The reason given for the condition was the interests of residential amenity.

The Design and Access Statement lists the 2003 permission in its planning history but makes no reference to this condition, which is the most relevant part of the site’s planning history.

The use of the annexe as a holiday let is in breach of the condition. The Design and Access Statement records that the breach was brought to the applicants’ attention by Wiltshire Council, and the application has been made as a result.

Mr and Mrs Bailey have previously had cause to report short-term letting of the annexe under the former owner, which led to an enforcement investigation by the Council under reference ENF/2024/00676. The Council’s email of 9 October 2024 on that matter records that the annexe had been inspected and was found to be unoccupied and vacant of furniture. The same email records that the Council holds a written declaration that the unit has not previously been used as a separate planning unit, and that the sales particulars for the property made clear that the unit did not benefit from such permission.

Intentional Unauthorised Development

Policy DM8(2) of the National Planning Policy Framework states:

“In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.”

The evidence supports a finding that the breach was intentional. The 2003 condition is a matter of public record and would ordinarily be disclosed through conveyancing searches. The published sales particulars for Brook House, which remain available online, stated that the use of the annexe was

subject to planning, and the Council's enforcement email of 9 October 2024 records that those particulars made clear the unit did not benefit from permission for separate use. The applicants therefore should have been aware, before they purchased the property in late 2025, that the annexe could not lawfully be used as a holiday let without planning permission.

The Design and Access Statement nonetheless records that "The use has been continued by the applicants." Since the Council raised the breach, bookings have continued throughout the application period. Whatever the position when the use began, the applicants have since continued it knowing that it lacks permission.

The Design and Access Statement seeks to present the use as inherited, stating that "The property was sold with the existing use of the annexe, which has been used over a period of time by the previous owners as a short term holiday let." That account is contradicted by the Council's own records. When the Council inspected the annexe in October 2024, it found the annexe unoccupied and emptied of furniture, and it holds a written declaration that the unit had not been used as a separate planning unit. The sales particulars also made clear that no such permission existed. By October 2024 at the latest, more than a year before the applicants bought the property, the annexe stood empty, so there was no continuing use for them to inherit.

Applying policy DM8(2), the intentional nature of the breach should be given substantial weight against the grant of permission. It also means that the applicants' reliance on an "already established" impact carries no weight, since any impact experienced to date is the product of an unauthorised use begun when the restriction was a matter of public record and continued after the Council drew it to the applicants' attention.

Discussion of Scheme

The Baseline and the Character of the Use

The applicants' amenity case rests on the assertion that "any impact to neighbouring properties is considered to be already established", and that noise from a holiday let would be no greater than from an annexe whose occupants might also keep "irregular times or more unsociable hours".

The lawful baseline is not an unrestricted residential use. It is an ancillary use which the Council restricted, in the interests of residential amenity, specifically to exclude commercial and business use. The Council has therefore already reached a view, on this site and in respect of this building, that a commercial use would be unacceptable in amenity terms. A previous decision on the same site is a material consideration, and like cases should be decided alike unless there is good reason to depart from the earlier view. There has been no change in the physical relationship between the annexe and Mr and Mrs Bailey's home since 2003 that could justify reaching a different conclusion now.

The two uses differ in character as well as intensity. An ancillary annexe is occupied by family members or others connected with the household at Brook House. Their occupation is settled and the occupants become known to neighbouring residents, and their behaviour is moderated by the ordinary norms of neighbourliness and by the oversight of the host household. A holiday let is occupied by a rotating succession of paying visitors who have no connection with the area and no ongoing relationship with the neighbours.

Mr and Mrs Bailey have observed a frequent turnover of different parties, with changeovers at times occurring more than once in the same week. Even at a moderate rate of turnover, dozens of separate groups of strangers would stay within a few metres of their home over the course of a year.

Every stay involves an arrival by car, the unloading and loading of luggage, guests finding their way around an unfamiliar site and intensive use of the outdoor seating area. The published check-out and check-in times of 11:00 and 15:00 also mean the annexe must be cleaned and serviced between stays, adding further activity on changeover days.

The applicants suggest that a holiday let is “more likely to be have vacant periods” [sic] than an annexe. A letting business aims to maximise occupancy, and the frequency of changeovers Mr and Mrs Bailey have observed indicates that the annexe is well booked. The suggestion is not supported by the evidence.

Loss of Privacy

The Design and Access Statement states that “There is no overlooking or overbearing impacts on neighbouring properties.” The statement is incorrect, since the annexe and its outdoor seating area lie between approximately 5.5 and 6.1 metres from the rear windows and rooflights serving the habitable rooms of Mr and Mrs Bailey’s home, and they face those openings directly.

The outdoor amenity area promoted in the Design and Access Statement is directly overlooked by, and in turn overlooks, Mr and Mrs Bailey’s dining room and living room on the ground floor and their landing and main bedroom on the first floor. The Velux rooflights to the landing and main bedroom on the second floor also look out over the annexe. In practice, guests routinely look up towards their windows whenever a window is opened, including while they are sitting at the outside table. On one occasion a guest came very close to one of their windows and was looking in.

Because guests park close to Mr and Mrs Bailey’s courtyard wall, one of the first things many guests do on arrival is look over into their enclosed courtyard. Mr and Mrs Bailey now avoid using the courtyard sitting area and sit at the front of the house instead. The courtyard is the part of their property that receives the evening sun, so this represents a direct loss of the use of their private outdoor space at the time of day when it is most valuable to them.

Where an annexe is occupied by a member of the host family, a degree of mutual overlooking is moderated by familiarity; a wave or a greeting is enough to defuse it. Where the occupants are strangers who change every few days, the intrusion is repeated with every new arrival and never settles into an accepted relationship between neighbours.

The applicants’ assessment of Core Policy 57 amounts to a single sentence asserting that there is no overlooking, which falls well short of the “appropriate information” the policy requires. The use is not compatible with the adjoining dwelling and causes unacceptable harm to the privacy of its occupants, contrary to Core Policy 57(vii) and the Wiltshire Design Guide. It also conflicts with the liveability principles for well-designed places in policy DP3 of the National Planning Policy Framework.

Noise and Disturbance

Given the very short separation distance and the modest construction of a single-storey converted garden room, Mr and Mrs Bailey can hear guests’ conversations, arguments and television from inside their home. The noise is audible on the ground floor, on the first floor, where the landing and main bedroom windows face the annexe, and on the second floor, where the Velux rooflights to the landing and main bedroom look out over it. On a number of occasions Mr and Mrs Bailey have also been exposed to noise of an intimate nature from guests. This has prevented them from having their grandchildren to stay and is a significant intrusion into the ordinary enjoyment of a family home.

The applicants point to house rules providing for quiet hours between 21:00 and 07:00 and to a maximum of two guests per booking. Neither is a planning control. House rules are private terms between the operator and guests. The Council cannot monitor or enforce them, and the operator cannot enforce them at the moment a disturbance occurs. The harm described above has arisen with these arrangements in place and with the owners living on site, which demonstrates that they are ineffective.

The quiet hours also leave the whole of the late afternoon and early evening unregulated. That is when guests arrive, settle in and sit outside, and it is also when Mr and Mrs Bailey would otherwise use their courtyard in the evening sun.

The use conflicts with the noise and pollution limbs of Core Policy 57(vii). It also conflicts with policy P3(2)(b) of the National Planning Policy Framework, which expects development not to give rise to, or contribute to, unacceptable levels of noise for neighbouring residents and occupiers.

Security and the Fear of Crime

The use brings a constantly changing population of unknown people into a space immediately adjoining Mr and Mrs Bailey's home, with direct views into their principal rooms and courtyard. Mr and Mrs Bailey have experienced a guest approaching their window and looking in. It is reasonable for them to feel less secure in their own home as a result. Whereas they would know the occupants of an ancillary annexe, they have no way of knowing who is staying in a holiday let from one week to the next.

That concern is heightened by the construction of their home. The ground floor windows of the cottage are traditional casements which open outwards, with sills only just over 2 feet (around 0.6 metres) above ground level. When open, they could easily be stepped through by anyone standing outside.

The use runs counter to the aims of Core Policy 57(viii), which seeks to reduce actual or perceived opportunities for crime. The courts have confirmed that fear of crime is capable of being a material planning consideration where it is reasonably founded on evidence. Mr and Mrs Bailey's concern is founded on their direct experience of the use and on the physical relationship between the two buildings, and it should be given weight accordingly.

Flood Risk

The site is at risk of flooding from more than one source. The applicants' own documents place Brook House in Flood Zone 3 and the annexe in Flood Zone 2, and show surface water flooding along the site boundary in the 1 in 30 and 1 in 100 year events. The Neighbourhood Plan explains (paragraphs 10.7 to 10.9) that poor maintenance of the drainage network exacerbates flooding, that the Swill Brook flooded 30 properties and the A429 in 2007, and that in prolonged wet weather the foul sewer network overflows as groundwater and surface water enter it.

The Flood Risk Assessment states that "Crudwell itself has not been flooded within the last 19 years and there has been local authority drainage works since then." That statement is incorrect. It appears to count from the 2007 event, but flooding has continued since, as the Parish Council's own records show. The minutes of the Parish Council meeting of 5 January 2021 refer to recent flooding in the village. The Parish Council's consultation response to HSA180917 refers to the risk of flooding and records that "significant damage has occurred to many houses in the village in recent years both through surface water and raw sewerage".

Most recently, on 24 November 2024, many properties in the village flooded. The minutes of the Parish Council's January 2025 meeting refer to that flooding and name Tuners Lane explicitly, although the date is mistyped as 24/11/25. Mr and Mrs Bailey's own home was flooded on that occasion, resulting in an insurance claim, and they hold evidence of the flooding of their home and of the road, including video footage of the road around Brook House under water. From their property they could see that the annexe was flooded and, given that Brook House lies within Flood Zone 3, it is highly likely that the main house was flooded too. The building the applicants now propose to let to visitors therefore flooded less than two years ago.

Crudwell has an active flood action group, and the local Member of Parliament is holding a flood summit in the village on 23 October 2026.

The Flood Risk Assessment supports the change of use on the basis that the applicants subscribe to the Environment Agency's Floodline service and are familiar with the information it provides. The reasoning does not extend to the people who would actually occupy the building. Short-stay guests will not know the area, the Swill Brook, local flood warning arrangements or escape routes. They may arrive after dark and will change every few days. Occupiers of an ancillary annexe are members of, or connected with, the host household and share its knowledge. The change of use therefore places in an area at risk of flooding a population that is less able to recognise and respond to a flood event, and nothing in the submission addresses this.

The exit from the annexe is by way of a small bridge over the stream, permitted on 4 April 1990 under application N/90/00833/FUL, with a drop of approximately 5 feet (around 1.5 metres) on either side. In an extreme flood the bridge would be surrounded or covered by water and its level and edges would no longer be discernible. A guest unfamiliar with the site, perhaps leaving in darkness or heavy rain, would have no means of judging where the bridge ends and the stream begins. Beyond the site, the local roads can become impassable in extreme flooding, so even a guest who crossed the bridge safely may have no safe onward route. The Flood Risk Assessment does not demonstrate that occupiers could leave the annexe safely in these conditions.

The applicants note that the sequential test in policy F5 does not apply to most changes of use. The exemption does not, however, remove the need to show that the development will be safe. Policy CC3(1)(a) of the National Planning Policy Framework requires development proposals, where relevant, to:

"Be located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere, in accordance with policies F4, F5, F6, F7 and F8".

The applicants have not demonstrated that the holiday let would be safe for its occupiers over its lifetime, including in terms of safe access and escape. The proposal is contrary to policy CC3 and the flood risk policies in Chapter 18 of the National Planning Policy Framework.

Planning Conditions

The applicants offer a condition tying the holiday let to Brook House so that it remains part of a single planning unit. That offer does not address the harm. The harm arises from the transient, commercial occupation of the annexe by strangers, and keeping the annexe within the same planning unit as Brook House would do nothing to reduce it. The owners already live on site, and the harm described above has arisen regardless.

Policy DM3(1)(e) of the National Planning Policy Framework asks the Council to “Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations”. Policy DM6(1) requires conditions to be:

“a. Necessary to make the development acceptable in planning terms; b. Relevant to the development and to planning considerations generally; c. Sufficiently precise to make them capable of being complied with and enforced; and d. Reasonable in all other respects.”

No condition could meet those tests and make the use acceptable. Conditions seeking to control guest behaviour, noise, quiet hours, occupancy or the length of stays would be imprecise and could not be enforced in practice, since breaches would occur inside a private property at unpredictable times and would have ended before any officer could investigate. The only condition that adequately protects Mr and Mrs Bailey’s living conditions is the one the Council imposed in 2003, which this application seeks to set aside.

Planning Balance

The benefits of the proposal are limited to the modest economic contribution of a single one-bedroom holiday unit in a village that already has established tourist accommodation, including The Rectory Hotel and the former Mayfield House Hotel (now Pettifers), both identified in the Neighbourhood Plan. Limited weight should be given to that benefit.

Against that, the proposal conflicts with Core Policy 57(vii) and (viii) of the Wiltshire Core Strategy and the Wiltshire Design Guide. Those conflicts concern the development plan’s central protections for residential amenity, and the proposal is contrary to the development plan read as a whole.

In terms of the National Planning Policy Framework, the intentional nature of the breach attracts substantial weight against the proposal under policy DM8(2). The use causes unacceptable harm to the living conditions of Mr and Mrs Bailey through loss of privacy, noise, disturbance, and insecurity, contrary to policies DP3 and P3. It has not been shown that the use would be safe from flooding, contrary to policy CC3. Applying policy S4, the limited benefits of the proposal are substantially outweighed by these adverse effects.

Conclusion

For the reasons set out above, it is respectfully requested that the Council refuses planning permission.

Should permission be refused, it is requested that the Council, having regard to policy DM8(1), takes appropriate enforcement action to secure the cessation of the unauthorised use and compliance with the 2003 condition.