



Appeal Decisions

Site visit made on 11 July 2025

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date **11 August 2025**

Appeal A Ref: APP/Y3940/C/24/3353621

Appeal B Ref: APP/Y3940/C/24/3353668

Lanyon, South Thingley, Corsham, Wiltshire SN13 9QL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Reilly and Appeal B is made by Mrs Reilly against an enforcement notice issued by Wiltshire Council.
- The notice was issued on 18 September 2024.
- The breach of planning control as alleged in the notice is Without planning permission, operational development comprising the erection of a building in the approximate location annotated with a blue circle on the attached plan titled "Notice Plan" and shown in the attached document titled "Notice Photograph".
- The requirements of the notice are to:
 - a) Demolish the building shown in the approximate location annotated with a blue circle on the attached plan titled "*Notice Plan*" and shown in the attached document titled "*Notice Photograph*";
 - b) Remove all material resulting from requirement a) from the Land.
- The period for compliance with the requirements is 4 (four) months.
- Appeals A and B are proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended) ("the Act"). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal C Ref: APP/Y3940/W/24/3351532

Lanyon, Thingley, Corsham, Wiltshire SN13 9QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Reilly against the decision of Wiltshire Council.
- The application Ref. PL/2024/03961 was refused on 15 August 2024.
- The development proposed is the erection of a two storey ancillary outbuilding to provide machinery store, garaging and a first-floor home office (retrospective) and proposed landscaping scheme.

Decisions

Appeals A and B

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made under section 177(5) of the Act as amended, for the development already carried out, namely operational development comprising the erection of a building at Lanyon, Thingley, Corsham, Wiltshire SN13 9QL as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

Appeal C

2. The appeal is allowed and planning permission is granted for the erection of a two storey ancillary outbuilding to provide machinery store, garaging and a first-floor home office (retrospective) and proposed landscaping scheme at Lanyon, Thingley, Corsham, Wiltshire SN13 9QL in accordance with the terms of the application Ref PL/2024/03961, subject to the conditions in the attached schedule.

Preliminary Matters

3. Appeals were made by both Mr and Mrs Reilly against the enforcement notice on ground (a) which was fee exempt because of the appeal against the planning application refusal. As the appeals against the enforcement notice and the planning refusal are for the same development, I shall deal with them together.

Relevant planning history

4. Planning permission was granted on 15 November 2021 ref: PL/2021/08345 for "Removal of existing containers and erection of two storey ancillary outbuilding to provide machinery store, garaging and a home office".
5. Planning permission was granted on 23 June 2023 ref: PL/2023/02599 for "Variation of condition 2 of PL/2021/08345 - Addition of Velux windows to roof of west elevation and addition of Juliet balcony to south elevation".
6. Planning permission was refused on 8 February 2024 ref: PL/2023/06977 for "Erection of two storey ancillary outbuilding to provide machinery store, garaging and a home office (part retrospective)". This application sought to regularise the building as erected. However, the submitted plans did not reflect the dimensions of the unlawful building.
7. A further application for planning permission ref: PL/2024/03961 sought to regularise the development. The plans were considered by the Council to accurately reflect the dimensions, external elevation details, and internal layout of unlawful building. The application was refused and is the subject of the Appeal C.

Appeals A and B on ground (a) and the deemed planning application, and Appeal C the s78 appeal

Main Issue

8. The principle of the development has been previously established by the permission granted for a building for domestic purposes in association with the primary residential use of the dwellinghouse. The main issue is therefore the effect of the development on the character and appearance of the area.

Reasons

9. The appeal relates to the erection of a detached outbuilding within the curtilage of a large, detached chalet bungalow in a small cluster of houses in South Thingley. The appeal site is situated on a quiet, narrow lane in undesignated countryside to the southeast of Corsham. The appeal building is set back from the house to the side and is further from the public highway than the host dwelling. The nearest neighbouring property is some 100m to the south and there are some agricultural buildings in between. There are no close neighbouring properties to the north, east or west.

10. The appeal building is one and half storeys in height with the upper floor in the roof space. It is of a simple gabled form with timber clad elevations, dark coloured fenestration and a clay tile roof. Roof lights are set in the roof slope facing away from the road, French doors with a Juliette balcony are set in the southern gable end and there is a window in the upper floor on the north gable end. On the elevation facing the road there are two garage doors which provide access to the workshop and garage and a pedestrian door for access to the upper floor. To the rear are two stable doors.
11. The landscape in the immediate area is pastoral with mature tree and hedge-lined field boundaries and narrow country lanes. The buildings close by are in a mix of uses and are mainly of a simple rural form with gable ends and varying roof heights. Although the chalet bungalow is rendered, residential properties are predominantly natural stone with clay pantiles and there are outbuildings clad with timber boarding. Nearby farm buildings display blockwork walls and corrugated roofing. The materials used in the construction of the appeal building are of a similar palette to the domestic outbuildings within proximity.
12. The appeal building is positioned in the corner of the plot close to the mature hedge on the northern boundary. Generous grounds extend to the east and south. While its surroundings are mostly on level terrain, adjoining land, including land within the appellants' ownership, gently slopes down towards a water course to the south of the site. This renders the appeal site in an elevated position from some viewpoints. The most open views towards the site are afforded from the Public Right of Way (PRoW) network ref. CORM14 to the south.
13. There are also some vantage points along the public highway to the north of the site, at the appeal property entrance and at Thingley Bridge Farm, which adjoins the PRoW. The appellants' Landscape and Visual Impact Assessment provides photographs from other longer distances where views are mostly restricted to glimpses of the building in a similar manner to views of other buildings dotted in the landscape. In general, these show that views of the building are limited and are mostly confined to those within the immediacy of the site.
14. I viewed the appeal development from within the appeal site, from the lane and from the PRoW to the south, where it is most visible. From the PRoW it is viewed in association with the dwellinghouse and against a verdant backdrop. Although it may draw the eye due to its elevated position, its presence is neither jarring nor incompatible with its surroundings. The pitch of the gable end, despite being steeper than that on the main dwellinghouse, sits comfortably among the adjoining built form and the timber cladding on the elevations has a weathered appearance. This helps the building assimilate with both the neighbouring built form and the wider landscape.
15. While it is generous in size, its form is not so dissimilar to other buildings in the vicinity and its scale remains subordinate to the host dwelling which occupies a large footprint. Being positioned close to the main dwellinghouse and with neighbouring buildings immediately to the south, it is viewed within the context of the group of buildings rather than as an isolated structure. In this setting, I consider it is an acceptable form of development which respects the scale and character of its surroundings.

16. The application for planning permission included a landscaping scheme as part of the proposal. I note comments from the Council's Senior Landscape Officer who, due to planning permission previously having been granted for a building, did not raise any particular concerns from a landscape and visual perspective, subject to delivery of a comprehensive landscaping scheme. However, the submitted landscaping proposals were deemed not to reflect the local rural character of the area, and an alternate scheme was recommended. I have no reason to disagree that landscaping would be beneficial to the site and the wider landscape and that the scheme suggested by the Officer would be more appropriate in this context. It is considered that this could be secured by a suitably worded condition.
17. Overall, I consider that the domestic outbuilding is not unduly harmful to its setting. It is of a form, in terms of its simple rural design, that does not have a detrimental harmful impact on the landscape character and existing pattern, or scale of development in the immediate surroundings and the wider area. In this respect the development complies with Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and Policy CNP HE1 of the Corsham Neighbourhood Plan and the aims of the National Planning Policy Framework.

Conditions

18. Condition 1 is imposed to ensure that landscaping details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the landscaping before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
19. Condition 2 is attached to restrict the use of the building to the primary residential use of the house. This is necessary to make the development acceptable in planning terms.

Conclusion for Appeals A and B

20. For the reasons given, I conclude that Appeal A and Appeal B should succeed on ground (a) and the deemed planning application should be approved. It follows that the appeals on grounds (f) and (g) do not fall to be considered.

Conclusion for Appeal C

21. For the reasons given above, I conclude that the appeal should be allowed.

S A Hanson

INSPECTOR

Schedule of conditions

- 1) Unless within 2 months of the date of this decision a scheme for landscaping is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the first planting season following the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented. The scheme shall be based on the suggested layout in Plan 172.3.201A and incorporate a mixed native hedgerow comprising Hawthorn 50%, Hazel 20%, Field Maple 10%, Wild Privet 10%, Guelder Rose 5%, Dog Rose 2.5%, Holly 2.5% with occasional hedgerow trees (such as 'Field Maple' or 'English Oak', small leaved Lime or Hornbeam – all in native canopy form varieties, rather than ornamental or fastigate varieties), the scheme should include specification of proposed plant sizes.
 - a. If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.
 - b. Upon implementation of the approved landscaping scheme specified in this condition, the landscaping shall thereafter be maintained and retained as an integral part of the development hereby approved.
 - c. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 2) The outbuilding hereby permitted shall only be used for purposes incidental to the occupation and enjoyment of Lanyon, Thingley, Corsham and shall not be used as a separate unit of accommodation.

End