SEAGRY PARISH COUNCIL

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15 November 2023

For the attention of Samantha Stockley

Dear Samantha

Application PL/2023/09202 – Removal/Variation of Conditions
Variation of Condition 2 of PL/2021/08755 "Erection of an Agricultural Building for Livestock and Machinery Storage and Associated Track"
The Mount, Upper Seagry, Nr Chippenham, Wiltshire SN15 5EX
For Mr Nick Good

Thank you for the opportunity of commenting on this Removal/Variation of Condition planning application. My Council met last evening and has asked me to forward the following comments to you.

You will note that under the planning history of this site and proposal that, against the wishes of the Parish Council, the original proposals referenced PL/2021/08755, were approved by your own Council, under delegated powers on the 19th April 2022. You will note on file the Parish Council's letter of the 13th October 2021 and the concerns expressed in that have come to fruition.

On the 31st October 2023 the Council wrote to your Council advising that the works had been commenced and bore no resemblance to the approved scheme for numerous reasons and as far as the Council was concerned there should have been an immediate Stop Notice placed upon the works otherwise there would be a fait accompli situation leading to the usual long drawn out enforcement procedures, retrospective application, planning appeal etc.

In a nutshell it was clear that there was a total non-compliance with the approval and planning conditions contained within that approval, which the Council knew was intentional and "playing the planning system".

Photographic evidence was provided to allow the building under construction to be assessed against the approved drawings conditioned under Condition 2 of the permission under design, size and siting.

An immediate site visit was requested to confirm that the building was a horrid industrial "green shed" being erected instead of the Yorkshire boarded timber structure, normally associated with agricultural usage, that your Council found acceptable, against the wishes of the Parish Council and others. Your Council's immediate action was requested to rectify all of the matters that were in contravention of the planning permission.

The Council wrote again on the 19th September 2023 after being notified on action being taken by your own Council under ENF/2023/00649 reminding your Council that despite reporting that the works had been commenced and bore no resemblance to the approved scheme they remained concerned that an immediate Stop Notice should be placed upon the works otherwise there would be a fait accompli situation.

Sadly, your Council did not take this action and the works have been completed in non-compliance with the planning permission and bare no resemblance to the approved scheme and my Council considers that the only rectification of the situation will involve the total demolition and removal of the structure erected.

Moving on to the retrospective planning application to retain the un-authorised works the Council finds it audacious that the applicant should try to suggest that the structure erected has "minor" differences to that approved.

The applicant suggests that, "during the construction of the building and track, generally minor design changes were made". The Parish Council contend that this is not the case as the nature of the works needed to be pre-planned prior to commencement of works. The intention to differ from the approval was planned and was not a minor tweaking of the scheme as the work proceeded on site.

A comparison between approved and constructed shows that the building dimensions change from 105 sq m to 137.4 sq m (difference 32.4 sq m - 30.8% increase) and volume 446.25 cubic m to 583.99 cubic m (difference 137.74 Cubic m – 30.87%). It is doubted whether many statisticians would say a 30% to 31% difference is "minor".

It is claimed that the height of the eaves and ridge levels are unchanged and the Parish Council has no authority to enter the site to gauge this but it is very much doubted.

Intriguingly, the original approved floor space was justified by a diagram on how the internal space would be used leading to the original Case Officer accepting that based upon the information provided the scale and size of the building was adequately justified.

Alongside National and Local Plans the Seagry Neighbourhood Plan is a significant Policy consideration in the determination of all planning applications in Seagry Parish.

In this particular instance the proposal conflicts with the Neighbourhood Plan, as the site location is identified as a "key break" between the physical edge of the village and a small cluster of mainly converted buildings and Seales Court to the south.

Referring to the Neighbourhood Plan policies, the general criteria by which all applications for new development are to be assessed, development will not be supported unless the proposals meet all criteria, neither extending the settlement, nor creating coalescence with existing nearby buildings.

As foreseen, and the point was made in the Council's letter of the 13th October 2021, the development, if approved, would extend the built form, at the transition from open countryside to the village and would not respond to the existing pattern of development nor integrate with the street scene. Despite this the original scheme was approved, the Case Officer's reasoning being that it was a typical agricultural barn not unlike a similar barn on adjacent land and as such would not appear out of character.

Indeed, the applicant had made great play on the bespoke design using typical materials including Yorkshire boarding, etc. In contrast, suggested as being "minor alteration by the applicant, a stark and visually dominant steel industrial style structure has been constructed and is sited within a prominent village entrance position within a "key gap" identified in the Seagry Neighbourhood Plan.

In a nutshell there is no comparison at all between the approved scheme and that built and now completed on site and this also includes the changes made to the access and track. The original approval allowed for a discreet access track against the eastern boundary of the land holding and application site potentially screened by new landscaping. From the outset the track was moved westward in a more exposed position, supposed justification being to allow access for larger vehicles.

The question is raised as to the need as the approved application showed how the building was to accommodate the intended livestock at one end and how the remainder would accommodate feedstuff and small-scale tractor and associated equipment commensurate with the land use. All of which could have been adequately serviced by the approved track.

In passing, the Parish Council suggests that there is a breach of the consent in regards waste storage and disposal that should be considered as part of this planning application.

All in all, the Parish Council is dismayed that this fait accompli situation has arisen and that a proposal that, despite warnings, should not have received permission in the first instance has been significantly changed to worsen the visual impact in a prominent village entrance position contrary to planning policy.

The only way to solve this problem is for your Council to refuse the application, achieve a successful outcome of a planning appeal, that will undoubtedly arise, and secure the removal of the building and associated works through enforcement action.

Yours sincerely

Vivian Vines

On behalf of Seagry Parish Council