

**From:** Andrew Scott

**Sent:** Thursday, September 18, 2025 14:23

**To:** Thomas, Andrew <Andrew.Thomas@wiltshire.gov.uk>

**Cc:**

**Subject:** Planning Ref PL/2025/06615 – Land Adjoining Oak Hill House, Upper Seagry

Dear Andrew

I write as the owner and resident of **Oak Hill House, Upper Seagry**, which directly adjoins the site identified in planning application **PL/2025/06615** – more accurately known and registered with HM Land Registry as “*Land Adjoining Oak Hill House*”. I’ve indicated below the approximate extent of my property (in red) and that of the application site (in blue), for ease of reference.

Given the immediate proximity and potential impact of the proposed scheme, I have appointed **Colin Danks** MRTPI (cc’d) of **Copperfield Planning** to independently review the application on my behalf. Colin’s professional advice is included below, and I would respectfully request that it be treated as part of the application record.

While I intend to submit further material in due course, I wish to raise several critical issues at this stage:

#### **Protected Trees (TPO 2017/00024/MIXED)**

Two trees within my garden – **T13 and T14** – are subject to a confirmed Tree Preservation Order and sit entirely outside the applicant’s ownership or control. The submitted Tree Protection Plan clearly shows that the root protection zones of both trees are materially affected by the proposed access road and footpath. I show below an extract for clarity.

## Surface Water Flood Risk and Sequential Test

The land at the site entrance is frequently **waterlogged and prone to surface flooding**. The area referred to as an “access road” is in fact a long-disused overgrown strip, recently cleared in anticipation of the application. There is **no constructed surfacing or lawful commercial track**. Sequential testing of alternative access arrangements is therefore clearly triggered under the **NPPF flood risk framework**.

## Planning History – Restriction on Use

I also refer you to application **N/04/00992/FUL** (copy attached), where consent for the original gate was granted only on the basis that the access be used “***exclusively for grass-cutting machinery***”. Condition 3 of the consent explicitly restricts the use of the access to “**agricultural purposes only**”, in order to prevent inappropriate activity in this sensitive location.

## Restrictive Covenant and Boundary Obligations

The strip of land proposed as access is subject to a **restrictive covenant in favour of Oak Hill House (my property)**, which prohibits the building of structures. In addition, the owners of the strip are legally obliged to forever maintain a post-and-wire fence along our shared boundary. These obligations strongly reinforce the intended function of the strip as a non-commercial buffer, protecting residential amenity and separation.

## Residential Amenity and Visual Intrusion

The proposed access route runs in direct parallel to the glazed rear elevation of Oak Hill House, which includes our kitchen, dining and sitting rooms and several upstairs bedrooms. These are our principal family living spaces, and the scheme would result in severe and direct visual intrusion, compounded by noise, lighting, emissions and passing vehicle movement.

Importantly:

- Our children's play equipment and their use of the garden and our own sits directly along this boundary, making the strip highly sensitive in amenity terms;
- I also work professionally from the annexe at Oak Hill House, and rely on the quietness and setting of the property in the course of my business.

This scheme would severely compromise both our residential enjoyment and economic use of our home.

I will be in touch with further observations in due course, but should you have any queries in the meantime, I am available at [REDACTED]

Yours sincerely

**Andrew Scott**

Oak Hill House

Upper Seagry

Chippenham

Wiltshire

SN15 5HD

**-END-**

**From:**

**Date:** Wednesday 10 September 2025 at 14:24

**To:**

**Subject:** Upper Seagry

Dear Andrew,

Thank you for asking Copperfield to review application PL2025/06615, building at Seagry House, comprising 4 flexible B8 storage/ or Class E commercial business units. I've read the application and make the following observations (see below). At this stage this email represents planning advice to you, but should you wish, it can be provided as a letter of representation to Wiltshire Council.

Copperfield is generally supportive of good development that is capable of complying with the Development Plan and other material considerations such as National Planning Policy. In this case however, the proposals are not compliant with the relevant parts of the Development Plan and there are substantial material considerations that indicate planning permission should not be granted in the form proposed.

The observations that lead to the above conclusion are as follows:

1. With the exception of 0.1ha (the former storage building to which the 2005 Certificate of Lawful Use relates), the site is greenfield, open countryside and not adjacent to a defined settlement (as per the Wiltshire Core Strategy). Any assessment of planning policy must start from this point.
2. The 2005 Lawful Use Certificate was granted 20 years ago and the applicant has not presented evidence to show that it has been in B8 use based on the 4 tests set in *The Trustees of Castell-y-Mynach Estate v Taff-Ely BC* [1985]. The covering letter explains the building is "beyond repair". If it is proven that the use has not been abandoned, then the established use relates only to the building in question and only to B8 storage, not Class E. In either scenario the application must be considered in principle as well as detail.

3. Development Plan Policy CP34 deals with the principle of commercial development. The second part of the policy is relevant and sets four tests i-iv. None of the tests are met:

i. It is not adjacent to a Principle, Market or Local Service Centre and is not an expansion of an existing business with or adjacent to the settlements.

ii. The proposals are not to support farming, food production to support modern agricultural practices or diversification.

iii. It is not adjacent to a defined Large or Small Village on the Proposals Map.

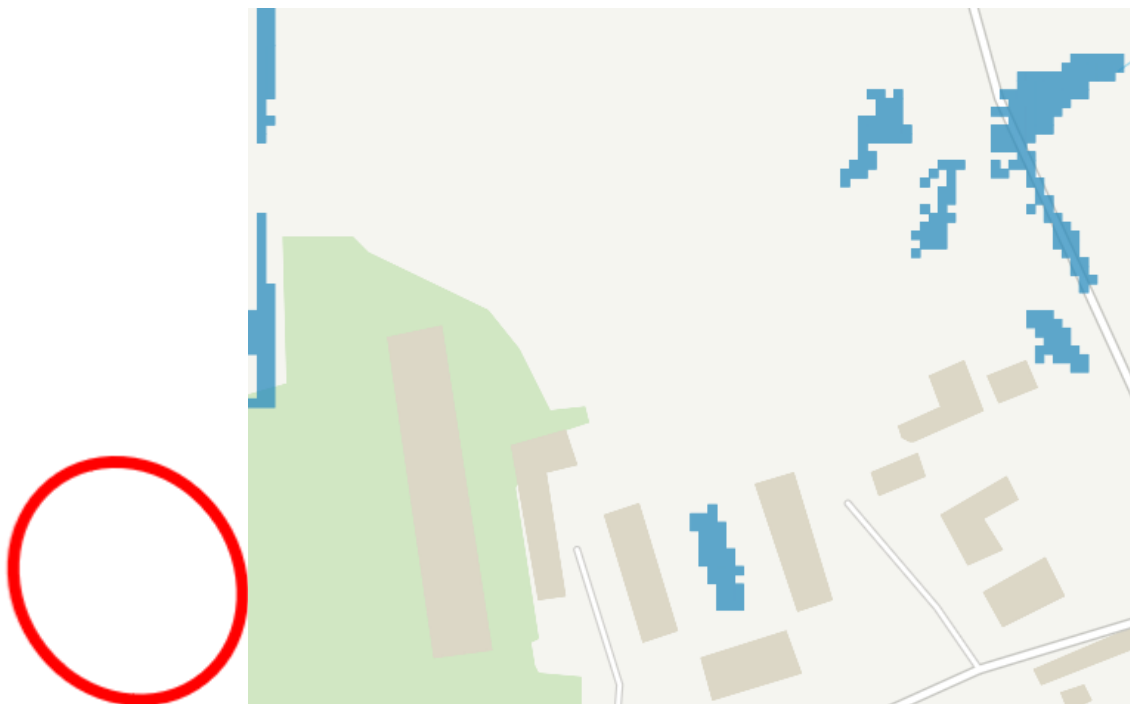
iv. It is not essential to the wider strategic interest of the economy.

The proposals are therefore inconsistent with CP34 and contrary to a key policy of the Development Plan. Tests a.-e. are not therefore triggered and even if they were, there are substantial sustainability concerns with the proposals in respect of ecology and arboriculture impacts (see assessment of CP50 below).

4. The proposals are to remove 58% of trees on site (51 removed and 37 retained). Of the 37 proposed retained trees, development occurs within the RPZ of at least 29 individual trees and 5 tree groups. The loss of trees and impact on the remainder is substantial.
5. Offsite trees T13 and T14 which are not in the control of the applicant are subject to TPO Orders and both RPZs are impacted by the access road/ footpath. Whilst there is an existing gate way, there is no road surfacing. The access was granted for a paddock only (N/04/00992/FUL) and not commercial and storage businesses.

6. The site habitat, including trees and understorey planting. Most of the site is Priority Habitat Inventory Woodland (deciduous woodland) with trees T1 and T2 having moderate bat roosting potential at the entrance of the site and are proposed to be felled to form the access. They were not inspected for roosts. Building B1 which would be demolished supports a day roost.
7. The ecology report also confirms the site is optimal foraging and community habitat and is connected to other habitat, surveys confirmed the presence of a range of protected bat species including Leisler's and Barbastelle. Even if there were no external lighting on site (which is unlikely for a B8/ E Class use, the lighting impact from vehicle movements in spring and autumn will have a substantial impact. No lighting assessment has been provided to show a 0.2-0.4lux can be achieved.
8. Development Plan policy CP50 requires all applications to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. This is the minimum. The majority of Deciduous Woodland trees are proposed to be felled and those that remain including off-site TPOs are impacted by development within PRZs. There is no demonstrable lighting strategy to protect the optimal bat foraging habitat either. The proposals are therefore contrary to Development Plan policy CP50.
9. Development Plan policy CP50 expects biodiversity enhancement and the Environment Act requires this to be at least 10% based on the latest statutory metric. The submitted metric shows a net loss contrary to policy CP50, The Environment Act and the National Planning Policy Framework.
10. The Government Flood Maps for Planning indicate that parts of the site, including the access are affected by 1 in 100 and 1 in 1000 year surface water events. The NPPF is concerned with all forms of flood risk, including surface water flooding which affects the site access and extends across the main road at this point. Paragraph 175 of the NPPF states *"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard*

*to potential changes in flood risk).*” It does not appear that a sequential test has been applied as a result of the access road being within an area affected by flooding., especially as the minor developments exception (para 176 and footnote 62) does not apply. Whilst the access road remains in its current route onto the main road, the sequential test for alternative sites applies. The proposals are not necessary and do not provide any sustainability benefits for the community which would outweigh the flood risk. They do not show that the access road will not increase surface water flood risk in the vicinity of the site. For the above reasons proposals are not consistent with the NPPF in this regard.



Government Flood Plan Maps for Planning 1:100 year event

11. Paragraph 11 of the National Planning Policy Framework provides the presumption in favour of sustainable development tests and provides the basis for assessing whether planning permission should be granted. With regard to test 11c), the proposals are not consistent with the development which in respect of policies CP34 and CP50 is up to date. On these important matters alone, planning permission can be refused.
12. In the unlikely event that paragraph 11d)i and 11d)ii were engaged, the surface water flood risk element alone at the site entrance would render d)i unusable as

a route to the grant of planning permission. And in the even more3 unlikely event that 11d)ii were engaged, the substantial harm to ecology, trees, TPO trees would significantly outweigh any perceived benefit from economic development given this is not an allocated site for this use and there is no demonstrable urgent or pressing need in this part of Wiltshire.

13. In all respects there is no reason or justification, with or without the tilted balance provided by the presumption in favour of sustainable development, to grant planning permission. It is my conclusion that policies that seek to protect largely greenfield, woodland priority sites like this are fully engaged.

I will leave it to you to consider discussing this with the landowner. However, if instructed this email can be amplified and issued to the Local Planning Authority as a formal representation. It should carry the same weight as any other submission in the determination process.

Kind regards

Colin

COLIN DANKS MRTPI

Director

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