

8th January 2026

Our Ref: SWLC.LPC4376

Development Services – North
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Dear Sir/Madam

Town and Country Planning Act 1990

Re: Wickfield Farmhouse, Wickfield Farm, Royal Wootton Bassett, SN4 8QR

As the planning history for the above property will confirm it has not been used in accordance with the relevant occupancy condition (No 1) imposed in July 1979 (LPA Reference N/79/0637/F) since 2009. However, the Certificate of Lawfulness application, last made by application reference PL/2024/03565, was refused as the periods of vacancy were considered to be too great to demonstrate a continual breach of the condition.

As a consequence of the agreed lack of use as a farm worker's dwelling and the anomalous situation created by the 'fallow' periods of use, and without prejudice, it was agreed with your Council's enforcement team that a full application would be made to remove the conditional limitation in question. That has of course necessitated a 6 month marketing campaign to fully and properly test the lack of local demand for the agriculturally tied property.

In light of the marketing carried out I therefore have pleasure to enclose a duly completed full application seeking the removal of condition No 1 imposed on application N/79/0637/F. The conditional wording in question is reproduced below.

Condition No 1

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(i) of the Town and Country Planning Act, 1971 or in forestry, (including any dependants of such a person residing with him or her) or a widow or widower of such a person.

Reason; The site is within an area within which it is the policy of the local planning authority to limit development to that which is essential for agricultural or forestry purposes.

Suffice to say, the attached marketing report demonstrates very clearly, and particularly by reference to the limited local area to which the condition relates, that there is not demand for the tied accommodation.

The 1979 application was described as 'Proposed Farmhouse'. This application therefore seeks to formally remove the condition via Section 73A. As you will be aware S73A of the Town and Country Planning Act 1990 provides the appropriate procedure for such an amendment where the development has already been carried out. This approach is consistent with the case of *Freddie Reid v SSLUHC1*, which established that the removal of a condition cannot result in a conflict with the description of development, because there is no condition remaining to conflict with the description. If the lack of a certificate of lawfulness is considered to undermine the application of S73A I would of course be happy to agree the submission should be assessed under S73, again of course removing the condition and allowing the application to remain without the occupation restriction.

NPPF paragraph 57 suggests planning conditions should be imposed and maintained only where they are necessary, relevant to planning and to the development. Likewise, they should be enforceable, precise and reasonable in all other respects.

The main issue is therefore whether condition No 1 of the 1979 approved planning permission remains necessary, enforceable and reasonable, having regard to the development plan, the need for rural worker dwellings in the local area and other material considerations.

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) adopted June 2006.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy 2015:

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP19 – Spatial Strategy: Royal Wootton Bassett and Cricklade Community area
- CP48 – Supporting Rural Life
- CP51- Landscape
- CP57 - Ensuring high quality design and place shaping
- CP 60 - Sustainable transport

North Wiltshire Local Plan 2011:

Saved Policy H4

The National Planning Policy Framework (NPPF) provides the Government's planning policies for England and explains how they should be applied. Together with the online Planning Practice Guidance (PPG) these are material planning considerations.

The site is now located outside of Royal Wootton Bassett although it is material to note that the grant of application PL/2023/02129, which is currently outstanding as an outline application will bring 410 new houses up to the farm site's access from the western side of the town. It is also material to note that in addition to the Farmhouse, the subject of this application, there are 6 separate residential properties on the farm that have been approved as rural conversions, without restrictions. The farm's owner has in fact resided in the conversion known as The Barn since 2009 from which the farm has been managed. The removal of the occupancy tie in question will therefore not raise any pressures for more new accommodation and has of course served no valid planning purpose for many years.

It is not disputed that the construction of a new dwelling in this location would not be acceptable in principle in accordance with Core Policies 1, 2 and 19 of the Wiltshire Core Strategy. It is perhaps interesting to recognise though that the dwelling approved in 1979 was a replacement for the original farmhouse (which was not conditionally restricted in terms of occupation) but had suffered subsidence. Condition No 2 imposed on application N/79//0637 required the removal of the original within 3 months of the completion of the approved replacement. The reason given for that condition pulls against the reason given for the imposition of condition No1 reproduced earlier, as the siting is considered acceptable for the erection of a suitable replacement dwelling.

*'The site is in an area where a further dwelling would not normally be permitted **were it not** for the need to replace an existing sub-standard farmhouse (my emphasis).'*

Government Circular 11/95 on the use of conditions in planning permissions provided the following applicable advice.

'Where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose'.

This assessment will be necessary in all cases, including those where the condition was originally inappropriately imposed (*Sevenoaks DC v Secretary of State for the Environment and Mr and Mrs Geer (1995) 69 P. & C.R. 87*). However, the fact that planning permission for a dwelling (especially a replacement) would in all probability be granted today without an agricultural occupancy condition is a material consideration (*Hambleton DC v Secretary of State for the Environment and others [1994] EGCS 202*).

Policy H4 to the North Wiltshire Local Plan is permissive of a replacement dwelling in the circumstances outlined in the 1979 application, particularly and as there was no tie on the dwelling being replaced and it is therefore far from clear why it was necessary to condition the replacement

it is understood that your Council are unable to demonstrate the required five-year housing land supply, resulting in policies most important for the determination of housing developments being out-of-date as set out at paragraph 11 to the NPPF.

The policy position is an important starting point to access the potential unnecessary vacancy of the property, and specifically against the reason given for the condition's imposition. Indeed, the urban fringe location should no longer be considered as an isolated rural location, and it is material to note that the nearby Wickfield Cottage was replaced by application 17/09851/FUL, without any suggestion that an agricultural occupancy tie was necessary.

In locational terms paragraph 110 to the NPPF acknowledges that it is not always possible to maximise modes of sustainable transport in rural areas so that the weight to be given to restrictive policies regarding development in rural areas therefore requires a balanced assessment. The Braintree case has also provided guidance whether the property would fall within the literal and lawful definition of 'isolated' development. Applying this logic, I would therefore repeat that contextually the site is less restricted as part of the relevant planning balance than in 1979 and is now far more closely associated with the built-up limits to the settlement, distinct from the open countryside beyond.

It is therefore questionable whether the locational basis for the imposition of condition No1 is still relevant, particularly being as the permission was for a replacement property and the description of development is of course unchanged. Paragraph 4.25 to the WCS explains those circumstances as permitted in the Core Strategy by specific policies, where development will be permitted outside the settlement hierarchy's limits of development. This is pre-dated by the saved policies to the North Wiltshire Local Plan, including H4 that supports replacement dwellings in the countryside.

Obviously therefore, the appellant's case is premised on the basis the planning approval for the replacement dwelling did not, and would not now, justify the occupancy condition, satisfying the 6 tests for the imposition of all conditions. Nevertheless, without prejudice, it is also noted that Core Policy 48 states that outside the existing built areas of small villages, proposals for residential development will be supported where these meet the accommodation need required to enable workers to live 'at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside'.

This is notably more restrictive locationally than the conditional wording above, requiring occupants to simply be employed 'locally'. The WCS is though silent with regard to the application proposed which seeks to remove the exceptional justification previously relied on. The policy's key objectives identified at paragraph

6.6.6 will of course be unaffected as the dwelling is an established man-made element of the local area.

Saved Policy H4 to the North Wiltshire Local Plan 2011 at paragraph 9.8 did address proposals to remove occupancy conditions though and required genuine and unsuccessful attempts to market the property at an appropriate market rate based on the occupancy condition to be shown. Additionally, the agricultural need for the dwelling on the holding or locally was a material consideration.

These later points are believed to be clearly satisfied as of course the house has been unrelated to the farm's operations for many years and there are several other houses available on site and more suited to a farmworker, if the need ever arose. The local need for accommodation in this area is not present any longer either, nor is likely to arise in the foreseeable future.

It is the case for the applicant therefore and evidenced by the long term occupation of the application property in breach of the occupancy condition (a matter not in dispute) that there is no local need and moreover there is no demand for the house more generally, evidenced by the failed and focused marketing. The fundamental question raised by this application though is whether the terms of the stated condition continue to serve a useful and valid planning purpose.

To test that matter, and aside from the lack of any functional agricultural benefits provided by the original replacement dwelling locationally the key wording of the condition is that it is intended to be limited to a person employed or last employed wholly or mainly in agriculture locally. In order to explore whether there is a local demand for the property within the terms of condition No1 the attached marketing campaign report explains that there is no 'local' demand. The attached report shows that there was no interest at all and is therefore a sufficiently robust and genuine test of the market for this locally tied property. The report clearly concludes that there is no local demand for the tied property, particularly for the on-going management of Wickfield Farm, where it has not been needed for many years.

In conclusion therefore I trust you have sufficient information to confirm that the conditionally restricted occupation Wickfield Farmhouse serves no local agricultural demand, and the condition is no longer necessary or relevant. It is questionable whether the condition was in fact truly necessary as a replacement dwelling, which would not be conditionally tied by the application of well established local planning policy

Moreover, the property's potential vacancy sits in conflict with the need to boost housing supply (paragraph 61 to the NPPF), particularly given the current undersupply of open market housing in Wiltshire generally and the property's sustainable location as a well-established residential site, located in close proximity to the expanding town of Royal Wootton Bassett, distinct from the open countryside beyond. However, should you still have any questions to ensure your support please do not hesitate to contact me.

Yours faithfully

Simon Chambers
Director

Enc.

Cc Mr A Crocker
Mr A Wright