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Wiltshire Council
F.A.O – Mr Sims, Senior Planning Officer
Central Development Management Team
County Hall
Bythesea Road
Trowbridge
Wiltshire, BA14 8JN

Our Ref: MW/AC/19101
Your Ref: PL/2022/01141

18th December 2025

Submitted through Planning Portal only

Dear Mr Sims

Re: Kingsdown Farm, Lords Hill, Longbridge Deverill, Warminster, BA12 7DY

I am writing further to our correspondence regarding the current planning application by Mr & Mrs Phillips to construct a landscape shelter bank at Kingsdown Farm (ref: PL/2025/06627).

The shelter bank will be constructed around the platform of the approved agricultural development although the deposit of waste and earthworks required to form this approved development has yet to be completed.

I have therefore enclosed an application on behalf of Mr & Mrs Phillips for the variation of condition 2 on planning permission PL/2022/01141 to extend the period for depositing waste and completing the earthworks, as agreed, so that the period for completion coincides with the commencement of the shelter bank, and for this application to be determined concurrently with the application for the shelter bank. The following is provided with this application:

- Location Plan (Drawing Number 01020-31A)
- Site Plan (Drawing Number 01020-35A)

Justification for the Proposed Variation of Condition 2

When the previous application to extend the period for depositing waste and completing the earthworks was submitted to the Council in February 2022 (PL/2022/01141), it was anticipated that this work would be completed by 31st December 2025 (i.e. 3 years and 10 months from the submission) which included predicted timescales for the necessary consents. However, neither the Applicants nor I had realised that this application with a 2-month determination period would take just over 8 months to determine.

Whilst this delay was frustrating, it was rather trivial compared to the 2 years and 2 months it took for the Applicants to obtain a varied Permit from Environment Agency. The Applicants could not apply for the Permit until the Council had approved application PL/2022/01141 and they could not deposit waste material required by condition 2 until the Permit had been granted. The application for the Permit was submitted to the Environment Agency on 14th June 2023 and the Permit was eventually issued on 26th August 2025.

Therefore, of the 3 years and 10 months originally envisaged by the Applicants for completing the work, they have only had 4 months following receipt of the permission and then the Permit to continue the deposit of waste required to complete the earthworks. As such, the Applicants wish to vary condition 2 on planning permission PL/2022/01141 to simply provide them with the remaining time originally requested to undertake the required work (2 years and 6 months when subtracting the 1 year predicted for the consenting regimes).

As we do not know when this application will be determined, I propose that condition 2 is varied to require completion within 2 years and 6 months from the decision date, as follows:

"The deposit of waste and all earthworks required to form the approved development shall be completed within 2 years and 6 months from the date of this decision. Within a period of a further 12 months, all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase."

During our recent discussion, you suggested that the current application for the landscape shelter bank is premature because the bank will be constructed around the perimeter of the platform of the approved development, but this platform has yet to be constructed.

However, during our discussions, you had not realised that the construction of the shelter bank would not be able to commence until the Environment Agency had issued a Permit, and it is not possible to apply for a Permit until planning permission has been granted for the development comprising the inert waste material. You were also not aware that it took Environment Agency 2 years and 2 months to issue the Permit to complete the approved development following the Council's approval of PL/2022/01141 and this is why the deposit of waste and earthworks have yet to be completed.

Following the approval of this application and the application for the shelter bank, it will take the Applicants' waste management consultant about 3-4 months to prepare the application for the Permit. They cannot prepare this application in anticipation because of the considerable cost of such work without the certainty of planning permission being granted for the shelter bank.

Assuming the Environment Agency also takes 2 years and 2 months to issue the Permit for shelter bank, the Applicants will be ready to commence on the shelter bank within 2 years and 6 months of the planning permission and certainly within the standard 3-year implementation period.

This confirms why the requested period to complete the deposit of waste and earthworks for approved development coincides with commencing the shelter bank and, fundamentally, why the application for the shelter bank is not premature given the lead-in periods involved with the Permit.

Ultimately, the Applicants wish to complete the approved development as soon as possible to provide much-needed space for storage and housing livestock, and this aligns with the Council's desire (through condition 2) to see the work completed as soon as possible.

Hopefully, the Applicants will be able to complete the deposit and waste material and earthworks much sooner than they currently anticipate. However, completion is influenced by a range of external factors outside the Applicants' control and this is why the Planning Practice Guidance states that a condition requiring development to be completed is unlikely to meet the test of being necessary.

Whilst this application is seeking a variation of condition 2 to extend the period, I would respectfully invite you and the Council to consider whether condition 2 is necessary because the deposit of waste and earthworks has been ongoing for more than 13 years but sporadically during this period due to extenuating and unforeseen circumstances outside the Applicants' control. Despite this period, the work has not caused any demonstrable harm whatsoever to local residents and the wider environment because other conditions of the permission regulate the development to preserve the amenity for local residents and the environment.

I look forward to discussing this application with you after the consultation period and arrangements for it to be determined alongside the application for the shelter bank.

Yours sincerely



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