

FAO Steven Sims, Planning

c/o developmentmanagement@wiltshire.gov.uk

30th January 2026

Dear Mr Sims,

**Re: OBJECTION to Application PL/2025/09889 – Variation of Condition 2 of PL/2022/01141
Kingsdown Farm, Lords Hill, Longbridge Deverill**

I write to object to the above application, which seeks a further variation of Condition 2 of planning permission PL/2022/01141, extending the timescale for the deposit of inert waste and associated earthworks at Kingsdown Farm.

I do so as a Director of the farm which surrounds the application site on three sides.

The application, submitted on 18 December 2025, requests a further 2 years and 6 months to complete waste deposition and land reprofiling works beyond the existing deadline of 31 December 2025.

1. Background and material change in circumstances

The principle of land infilling at Kingsdown Farm was first established in 2010 under permission W/10/02377/FUL. Subsequent permissions in 2017 and 2022 did not introduce new infilling in principle, but instead extended the time allowed to complete previously approved works.

As matters now stand, the site has been subject to inert waste deposition and associated earthworks for approximately 16 years, with the works still incomplete. The current application would extend activity towards a 20-year development window, fundamentally undermining the concept of temporary or time-limited development.

On 19 January 2026, Wiltshire Council refused the separate application for a landscape shelter bank at the same site (PL/2025/06627). That proposal was explicitly relied upon by the applicant as justification for extending the earthworks timetable. Its refusal therefore represents a clear and material change in circumstances.

In refusing the shelter bank, the Officer's Report confirmed that:

- the proposal relied upon previously approved but now time-expired land infilling and reprofiling works; and
- those works had already continued well beyond their originally intended duration.

The Officer's Report also records that the present extension application had already been lodged, confirming that the Council was fully aware of it when reaching its decision to refuse the shelter bank.

2. Serial extensions and planning creep

There is now a clear and established pattern of serial extensions to development that was approved as temporary. Each individual extension may appear modest in isolation, but taken together they

amount to planning creep, whereby one site has been subject to prolonged and intensive development activity over a very long period.

Time-limited conditions exist to provide certainty, protect amenity and landscape character, and ensure that temporary harm does not become permanent. Granting further extensions in these circumstances would undermine the purpose and integrity of such conditions entirely.

3. Ongoing and acknowledged harm

In refusing the shelter bank, Council officers identified ongoing and increasing landscape harm arising from prolonged waste deposition and land raising at this site. That harm is not speculative or historic; it is continuing.

Approving this application would knowingly prolong an activity that officers have already acknowledged as harmful, rather than bringing it to a timely conclusion.

4. Conflict with the refusal of the shelter bank

The applicant's agent proceeded on the assumption that the shelter bank would be approved and could therefore justify extending the life of the earthworks. That assumption has now been decisively rejected.

The shelter bank was assessed as major development within a National Landscape, failed the tests in NPPF paragraph 190, and was not supported by exceptional circumstances or a demonstrable public interest case.

Any continued reliance on that refused proposal to support this extension is therefore misplaced and carries no material weight. Approving the extension would directly contradict the reasoning used to refuse the shelter bank.

5. Statutory duty to protect the National Landscape

The refusal of the shelter bank placed strong reliance on **Section 85 of the Countryside and Rights of Way Act 2000**, as strengthened by the **Levelling-up and Regeneration Act 2023**, which imposes an enhanced duty on the Council to seek to **conserve and enhance** the National Landscape.

That duty applies not only to new development, but also to decisions which would **prolong harmful activity**. Allowing waste deposition and earthworks to continue for nearly two decades is inconsistent with that strengthened statutory obligation.

6. Amenity, tranquillity, traffic and Dark Sky Reserve status

Since the original permission was granted in 2010, the environmental and policy context of the site has materially changed. In particular, the Cranborne Chase area was designated an International Dark Sky Reserve in 2019, formally recognising the exceptional quality of its night-time environment and the importance of protecting darkness, tranquillity and nocturnal ecology.

The continuation of waste deposition and earthworks therefore now takes place in a very different planning context from that which existed when the original conditions were drafted. Vehicle

movements, headlights, reversing alarms and associated disturbance during dawn, dusk and winter darkness now carry significantly greater weight as material planning harms.

This is reflected in NPPF paragraph 185(b), which requires planning decisions to recognise that tranquil areas and dark skies are a resource that should be identified, mapped and safeguarded. Extending the operational period would prolong avoidable disturbance within a designated Dark Sky Reserve and further erode tranquillity within a nationally protected landscape.

Conditions framed in 2010, prior to the Dark Sky designation and before the strengthening of national and statutory protections, are therefore no longer adequate to manage the impacts of continued activity. This reinforces the need to treat the current proposal not as a minor or administrative extension, but as a new planning decision requiring full and contemporary assessment.

7. Applicant's justification

The applicant's agent attributes delay to:

- the determination period for the 2022 variation; and
- the Environment Agency permitting process (**June 2023 – August 2025**).

While regulatory delay may be acknowledged, it does not negate planning harm, nor does it justify repeatedly extending the life of disruptive development. Planning conditions exist to protect the public interest, not to flex indefinitely due to external process delays.

8. Enforcement history and effectiveness of conditions

The Council will also be aware of the Planning Inspectorate decision (March 2025) relating to an enforcement notice issued for non-compliance with the landscaping condition attached to the 2022 permission. While the Inspector ultimately allowed the appeal and quashed the notice, this was on the basis of the precise legal interpretation and enforceability of the condition wording, rather than a finding that landscaping harm had not occurred or that the condition itself was unnecessary.

Importantly, enforcement action was taken because the Council considered that the requirements of the landscaping condition had not been adequately met, and the Inspector's decision turned on the absence of explicit triggers and sanctions within the condition.

This history is directly relevant to the present application. Where an applicant has previously relied on the strict legal interpretation of condition wording to resist or delay mitigation measures, it is reasonable for the Council to exercise caution in assuming that further conditions attached to an extended permission would be effective in practice. This reinforces concern that granting additional time would prolong harm without sufficient certainty that mitigation would be delivered and maintained.

9. How applications to extend time-limited conditions must be assessed

In considering an application to extend a time-limited condition, it is well established that the Council must reassess the proposal as it would operate during the extended period, having regard to:

- current development plan policy;
- strengthened statutory duties;

- changes in environmental designation;
- cumulative impacts; and
- the site's delivery and compliance history.

An extension is not automatic or procedural. It requires a fresh planning judgment as to whether continued harm remains acceptable today, not whether it was once tolerated in the past.

10. Conclusion

In summary:

- the earthworks and waste deposition were intended to be **temporary**;
- they have already continued for approximately **16 years** and caused acknowledged harm;
- the future development relied upon to justify further extension has been **refused**;
- the policy and environmental context has materially changed since 2010, including **Dark Sky Reserve designation**; and
- there is no longer any credible planning purpose for extending the timescale again.

For these reasons, the application to vary Condition 2 of **PL/2022/01141** should be **refused**.

Without prejudice – if the Council is minded to approve

If, notwithstanding the above, the Council is minded to grant any extension, it is essential that **substantially stronger conditions** are imposed, including (but not limited to):

- a **single, absolute final cessation date**, with no further extensions permitted;
- a **hard cap on total import volumes**, with automatic cessation once reached;
- **no Saturday, Sunday or Bank Holiday HGV movements**;
- reduced daily HGV limits;
- a **byway condition survey and repair bond** for **SVEN12**;
- restrictions on vehicle movements during civil twilight in winter months;
- prohibition of all temporary lighting and tonal reversing alarms;
- phased restoration with enforceable milestones; and
- independent quarterly reporting of waste importation and progress.

Such controls would be justified by the site's history, the acknowledged harm, the Dark Sky designation, and the Council's strengthened statutory duties.

With best regards,

Tamara Webster, Director

Lower Pertwood Organic Farm Ltd.