



PLANNING STATEMENT (v.3)

APPLICATION FOR A CERTIFICATE OF LAWFULNESS

(SECTION 191 TCPA 1990)

WHITE GATES, NETHERHAMPTON ROAD, SALISBURY SP2 8NG

PLANNING PERMISSION: PL/2021/05759

NON-MATERIAL AMENDMENT: PL/2025/02492

EXECUTIVE SUMMARY

i. **Purpose.** This application seeks a Certificate of Lawfulness under s.191 TCPA 1990 confirming that planning permission PL/2021/05759, as amended by NMA PL/2025/02492, was implemented before 7 March 2026 and is therefore extant.

ii. **Decision sought.** The LPA is asked to determine, on the balance of probability, whether material operations within s.56 TCPA 1990 were lawfully carried out before the three-year expiry date.

iii. **Development and plans.** The permission authorises a new dwelling and associated works including the access. The NMA (07 April 2025) updated the approved access drawings. The access works have been undertaken strictly in accordance with those NMA-approved drawings (Appendix 2–3).

iv. **Material operations.** On 17 February 2026, substantial engineering works were carried out within the red line boundary: laying out/construction of the access road, sub-base, kerbing (part-complete and on-going), surfacing, and drainage/soakaway works. These are engineering operations and construction of a road under s.56(2)(b) and (d) (Appendix 5–6).

v. **Condition 4.** Tree protection fencing was installed on 12 January 2026, before any machinery entered the site, and has remained in place. No works occurred within RPAs and no harm has arisen to retained trees (Appendix 4).

vi. **Legal position and conclusion.** Whitley requires commencement works to be lawful; Hart Aggregates confirms the issue is whether any non-compliance is fundamental. Here, the purpose of Condition 4 (tree protection) was achieved in substance before the access works began. On the evidence, development was begun on 17 February 2026 and the permission was implemented prior to expiry. The LPA is respectfully invited to issue the Certificate.

1. INTRODUCTION

1.1 This Statement is submitted on behalf of Mr Jonathan Moffat in support of an application under Section 191 of the Town and Country Planning Act 1990 (“TCPA 1990”) seeking confirmation that planning permission PL/2021/05759, as amended by Non-Material Amendment PL/2025/02492, was lawfully implemented prior to its expiry on 7 March 2026.

1.2 The question for the Local Planning Authority (“LPA”) is a narrow one of law and fact. It is not a planning merits exercise.

1.3 The issue is whether, on the balance of probability, material operations were lawfully carried out before 7 March 2026 within the meaning of Section 56 TCPA 1990.

1.4 If that question is answered in the affirmative, the permission is extant and incapable of lapse.

2. THE RELEVANT PLANNING PERMISSION

2.1 Full planning permission PL/2021/05759 was granted on 7 March 2023 for “Construction of new dwelling with widening of existing access and associated works”.

2.2 Condition 1 required commencement within three years.

2.3 On 7 April 2025, the LPA approved Non-Material Amendment PL/2025/02492 (Appendix 2), substituting updated access drawings under Condition 2.

2.4 The access constructed on site accords strictly with the NMA-approved drawings. There has been no deviation (Appendix 3).

3. CONDITIONS RELEVANT TO COMMENCEMENT

3.1 The permission contained one true pre-commencement condition: Condition 4 – Tree Protection Plan (BS5837:2012 compliant).

3.2 Condition 3 relates to materials and applies only prior to development above slab level. It is not a pre-commencement condition.

3.3 No other conditions required discharge prior to commencement.

3.4 Accordingly, the only condition potentially relevant to lawful commencement is Condition 4.

4. THE LEGAL FRAMEWORK

4.1 Section 191 TCPA 1990: A Certificate must be granted if the LPA is satisfied, on the balance of probability, that the development described is lawful. The burden rests on the applicant.

4.2 Section 56 TCPA 1990: Development is taken to begin on the earliest date on which a ‘material operation’ is carried out. Material operations include engineering operations and the laying out or construction of a road or part of a road.

4.3 Whitley & Sons v Secretary of State [1992] 64 P&CR 296 confirms that works relied upon to constitute commencement must be lawful.

4.4 R (Hart Aggregates Ltd) v Hartlepool BC [2005] EWHC 840 (Admin) confirms that not every failure to comply with a condition prevents lawful implementation; the question is whether any non-compliance is fundamental (goes to the heart of the permission).

5. FACTUAL CHRONOLOGY

5.1 Installation of tree protection fencing: On 12 January 2026, tree protection fencing was installed in accordance with BS5837:2012 and the submitted Tree Protection Plan (Appendix 4).

5.2 No machinery, construction traffic, or materials entered the site prior to fencing installation.

5.3 Material operations on 17 February 2026: substantial engineering works were undertaken within the red line boundary comprising (i) construction/laying out of the approved access road; (ii) installation of sub-base; (iii) kerbing (part-complete, with remaining section delayed due to unrelated statutory gas main works on Netherhampton Road); (iv) surfacing; and (v) ACCO drainage and soakaway (Appendix 5–6).

5.4 These works constitute engineering operations and the laying out or construction of a road within Section 56(2)(b) and (d).

5.5 Development therefore began on 17 February 2026, prior to the expiry date of 7 March 2026.

6. CONDITION 4 – ANALYSIS

6.1 Condition 4 required submission and approval of a Tree Protection Plan prior to commencement.

6.2 The factual position is that fencing was installed before works commenced; it remained in place; no works occurred within RPAs; and no harm has arisen to retained trees (Appendix 4).

6.3 While formal written discharge was not issued before 17 February 2026, the planning purpose of Condition 4 (tree protection) was achieved in substance before any material operation occurred.

6.4 The discharge application was submitted on 18 February 2026 and validated on 19 February 2026. Determination remains pending.

7. DOES CONDITION 4 GO TO THE HEART OF THE PERMISSION?

7.1 The courts have made clear that not every pre-commencement condition is fundamental. The relevant question is whether the condition goes to the “heart” of the permission — that is, whether compliance is integral to the acceptability of the development itself (*Whitley*; *Hart Aggregates*).

7.2 Conditions that typically meet that threshold are those without which the development would be unacceptable in principle. Two examples include:

(a) A Grampian-style condition preventing commencement until **off-site highway mitigation** is secured, where the development would otherwise be unsafe or generate unacceptable traffic impacts;

(b) A **contamination** investigation and remediation condition where residential development would be unacceptable unless the site is first made safe for human occupation.

7.3 In such cases, the condition is not merely protective or procedural; it is enabling. The grant of permission is contingent upon that mitigation being secured

prior to development beginning. Non-compliance alters the essential acceptability of the scheme.

7.4 Condition 4 in the present case is materially different. It is precautionary and protective in character. It does not qualify the principle of development, restrict the scale of development, or operate as a pre-condition to the scheme being acceptable in planning terms.

7.5 The purpose of Condition 4 is to ensure that retained trees are protected during construction. That purpose was achieved in substance before any material operations occurred. Protective fencing was installed prior to commencement; no works occurred within RPAs; and no arboricultural harm has arisen.

7.6 The development carried out on 17 February 2026 was precisely the development authorised by the permission, undertaken in accordance with approved plans. There has been no departure from the permitted scheme.

7.7 In those circumstances, Condition 4 cannot properly be characterised as going to the heart of the permission. Any procedural timing issue regarding formal written discharge does not amount to a fundamental defect capable of preventing lawful implementation.

7.8 To conclude otherwise would elevate form over substance and extend *Whitley* beyond its proper scope.

8. STANDARD OF PROOF AND EVIDENCE

8.1 The test is whether, on the balance of probability, material operations were lawfully undertaken before expiry.

8.2 The evidence includes contemporaneous photographs, arboricultural monitoring records, the NMA approval and drawings, and contractor evidence (Appendices 1–6).

8.3 On that evidence, there is no reasonable basis to conclude that development had not begun by 17 February 2026.

9. CONCLUSION

9.1 Material operations comprising construction of the approved access were carried out on 17 February 2026, within the red line boundary and in accordance with approved plans.

9.2 Tree protection fencing was installed on 12 January 2026 prior to any works commencing and has remained in place; no harm has arisen to retained trees.

9.3 Accordingly, planning permission PL/2021/05759 (as amended by PL/2025/02492) was lawfully implemented prior to 7 March 2026 and is extant and incapable of lapse.

9.4 The LPA is respectfully invited to issue a Certificate of Lawfulness confirming that position.

Richard Greenwood BA (Hons) BPI MRPTI
Director

SCHEDULE OF APPENDICES

Appendix 1 – Decision Notice PL/2021/05759

Appendix 2 – Non-Material Amendment Approval PL/2025/02492

Appendix 3 – Approved Access Drawings (NMA Plans)

Appendix 4 – Arboricultural Monitoring Record (12 January 2026)

Appendix 5 – Dated Photographs (16–17 February 2026)

Appendix 6 – Contractor Invoices and Supporting Evidence

Appendix 1 – Decision Notice PL/2021/05759



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2021/05759

Decision Date: 07 March 2023

Applicant: Mr and Mrs Marcus and Jo Morrish
16 Montague Road SP2 8NJ, Salisbury , SP2 8NJ

Particulars of Development: Construction of new dwelling with widening existing access and associated works.

At: WHITE GATES, NETHERHAMPTON ROAD,
SALISBURY, SP2 8NG

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (8)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan – Drawing no. WG04BP Rev C, received on 7th Feb 2023
Proposed Ground Floor Plan – Drawing no. WG260FP, received on 3rd June 2021
Proposed First Floor Plan – Drawing no. WG261FP, received on 3rd June 2021
Proposed Elevations – Drawing no. WG208EP, received on 3rd June 2021
Proposed Garage – Drawing no. WG209G Rev B, received on 15th December 2021
Arboricultural Root Protection Plan – Drawing no. WG204BPA Rev A, received on

15th December 2021

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 5 No part of the development hereby permitted shall be occupied until the improved access have been completed in accordance with the details shown on the approved plans (Drawing no. WG04BP Rev C). The area shall be maintained for that purposes at all times thereafter.

REASON: In the interests of highway safety.

- 6 No part of the development shall be occupied until a consolidated and surfaced vehicle turning space and parking for 2 vehicles, the details of which shall have been submitted to and approved by the Local Planning Authority, has been completed in accordance with the approved details. Such turning space and parking provision shall thereafter be retained and kept clear of obstruction at all times.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

- 7 The development hereby approved shall be carried out in strict accordance with the requirements set out in Sections 6.15 – 6.20, Sections 7.4 – 7.9 and the Mitigation and Enhancement Plan in Appendix V of the Ecological Impact Assessment carried out by LC Ecological Services dated December 2021.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 8 The overnight development hereby approved shall be designed to ensure it does not

exceed 110 litres per person per day water consumption levels (which includes external water usage).

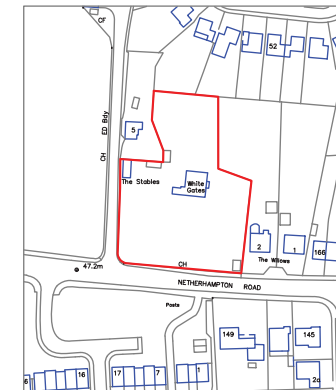
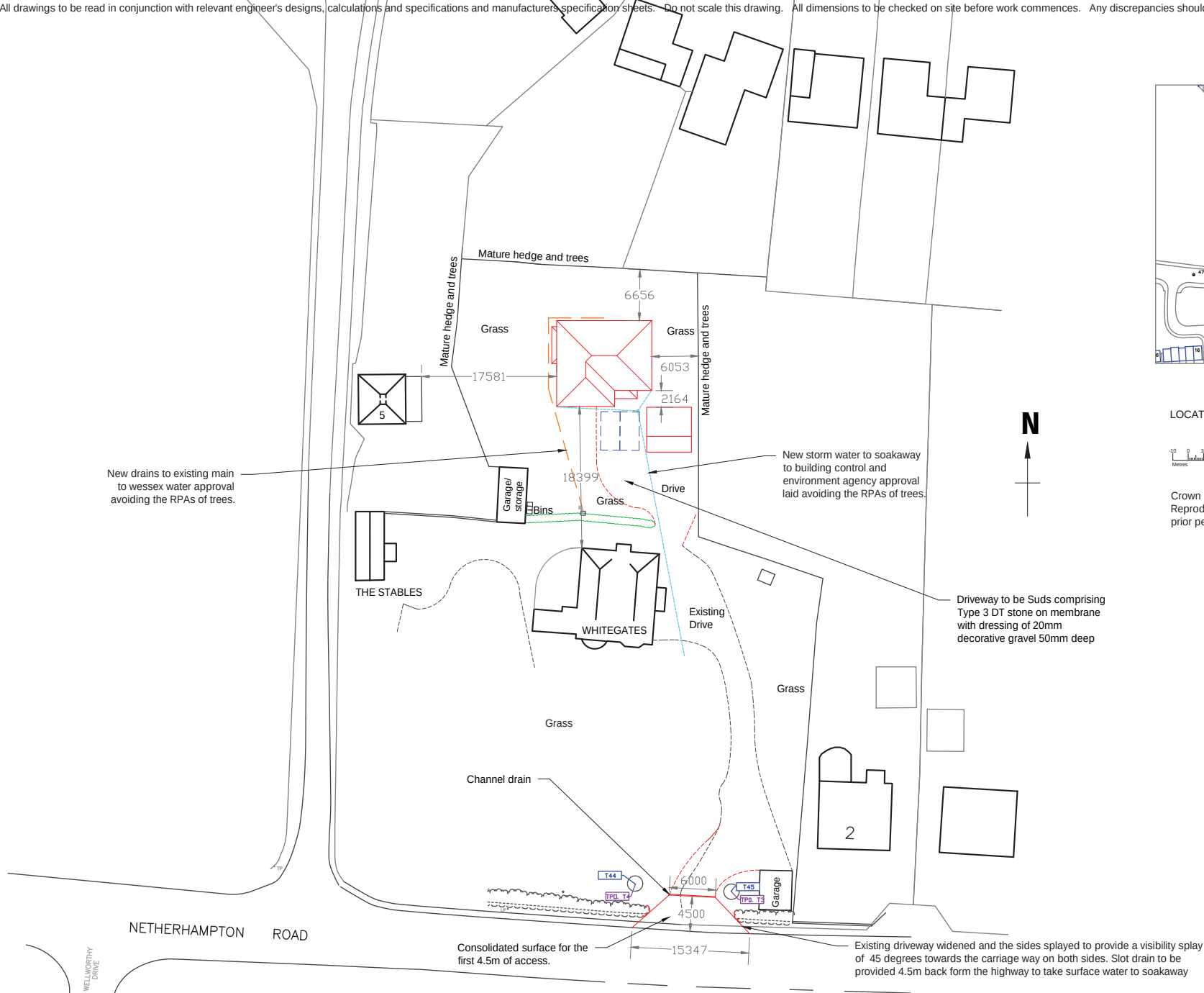
REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located

Informatives: (1)

- 9 The development hereby approved could be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:
<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

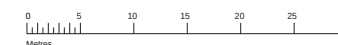
Parvis Khansari - Corporate Director, Place



LOCATION PLAN 1:2500



Crown Copyright and database rights 2020 OS 100035409
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.





© Crown copyright and database rights 2017 Ordnance Survey 100026316. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



This is a copy of the title plan on 14 APR 2023 at 08:48:12. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Weymouth Office.

Appendix 2 – Non-Material Amendment
Approval PL/2025/02492

Development Services

Wiltshire Council

Tel: 0300 456 0114

developmentmanagement@wiltshire.gov.uk

07 April 2025

Dear Sir/Madam

Application No:	PL/2025/02492
Application Type	Non-Material Amendment
Proposal:	Non Material Amendment relating to application PL/2021/05759.
Location:	White Gates, Netherhampton Road, Salisbury, SP2 8NG

Thank you for your application and for submitting the attached plans with drawing numbers listed below, received on the 11th March 2025 requesting the Council's approval for a non-material change to the planning permission granted for the development described above.

I can confirm that having had regard to the effect of the proposed change, the Council is satisfied that the amendment is not material and accordingly has APPROVED the request for a non-material change to the planning permission. Condition 02 of the above original consent is adjusted to be:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Construction Details of Access – Drawing no. 5967/003 Rev B received on 27th March 2025

Access Plan - Drawing no. 5967/002 Rev A received on 27th March 2025

Car Access Tracking - Drawing no. 5967/201 received on 11th March 2025

Van Access Tracking - Drawing no. 5967/202 received on 11th March 2025

Proposed Ground Floor Plan – Drawing no. WG260FP, received on 3rd June 2021

Proposed First Floor Plan – Drawing no. WG261FP, received on 3rd June 2021

Proposed Elevations – Drawing no. WG208EP, received on 3rd June 2021

Proposed Garage – Drawing no. WG209G Rev B, received on 15th December 2021

Arboricultural Root Protection Plan – Drawing no. WG204BPA Rev A, received on 15th December 2021

REASON: For the avoidance of doubt and in the interests of proper planning.

This letter acts as official confirmation and therefore I suggest you attach it to the Decision Notice already in your possession.

Please note that this decision relates solely to the change described above. Any other change, regardless of whether or not it is shown on the Non-Material Amendment drawings, is not covered by this decision.

Yours faithfully

Head of Development Management

Officer's Name: Mary Rose Scott

Planning Officer

01249 706602

maryrose.scott@wiltshire.gov.uk



© Crown copyright and database rights 2017 Ordnance Survey 100026316. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



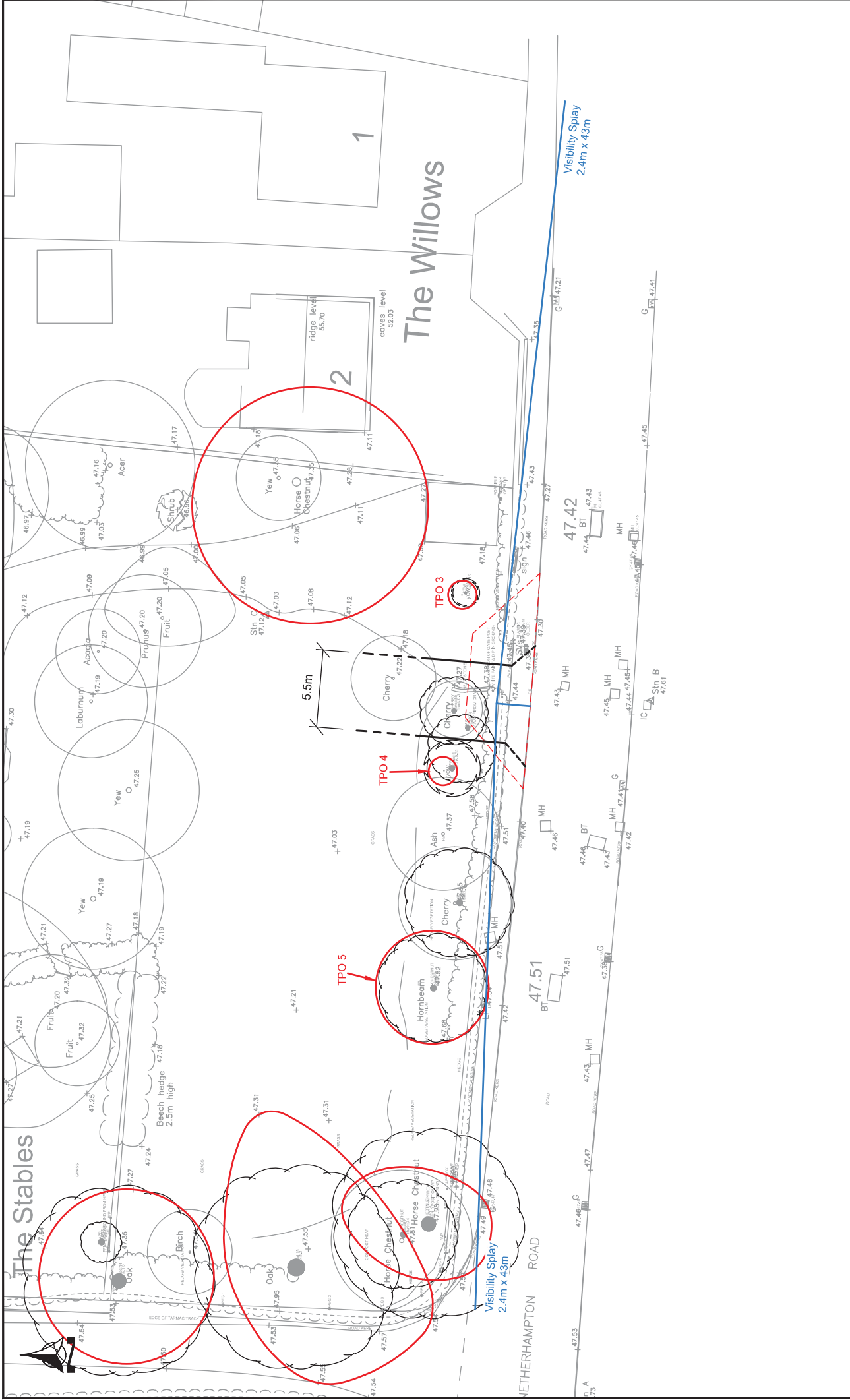
This is a copy of the title plan on 14 APR 2023 at 08:48:12. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Weymouth Office.

Appendix 3 – Approved Access Drawings (NMA Plans)



Notes	CLIENT Jonathan Moffat		DATE 26/02/05
	PROJECT Netherhampton Road, Surrey		DRAWN BY MB
	TITLE Access Plan		CHECKED BY IR
	SCALE 1:250 @ A3		REF No.
 Bellamy Roberts Clover House Western Lane Oditham Hampshire, RG29 1TU Tel: 01256 703355 Email: info@bellamyroberts.co.uk	5967 / 002		
	Bellamy Roberts Partners Limited (trading as Bellamy Roberts) is a limited company registered in England, Reg.No.: 14021487. Quality Assured Firm ISO9001 Certificate Number 14135544. Ordnance Survey Licence Number AC000815970		

Appendix 4 – Arboricultural Monitoring Record (12 January 2026)



Record of Arboricultural Site Monitoring

Planning Application No: PL/2021/05759

Site Address: White Gates, Netherhampton Road, Salisbury SP2 8NG

Proposal: Construction of new dwelling with widening existing access and associated works

Client: Mr Jonathan Moffat

Planning Consultant: Mr Richard Greenwood, Benchmark Planning

Local Authority: Wiltshire Council

Tree Consultant: Nick Hellis, Hellis Solutions Ltd

Copy to: Client, Planning Consultant, Local Authority

No. of Photographs provided: 2

Phase of Works	Attendees	Activity	Comment	Level of Site Monitoring	Date of Site Monitoring
Pre - commencement	Client and contractor (Millway Builders)	Site access for personnel (staff, contractors, and visitors), traffic (staff, contractors, and visitors), and delivery vehicles. Location of the site office, the welfare facilities, the mixing and washing out area/s, storage area/s, and parking area for machinery (tele handler, excavator, dumper truck etc). Barriers - the location, installation, and signage	Barriers suitably installed, signage in place	Site meeting	Monday 12th January 2026

Monitoring falls into four categories, namely meetings, supervision, observation, and inspection.

- 🗎 Meetings are an assembly of interested parties to agree arboricultural matters affecting the development site.
- 🗎 Supervision is an act or instance of directing, managing, or oversight of arboricultural matters affecting the development site.
- 🗎 Observation is the continuous visual observance of works with the potential to damage retained trees.
- 🗎 Inspection is the systematic and formal evaluation of arboricultural matters affecting the development site.



Photo 1 (above): Yew, T45, suitably protected

Photo 2: Yew, T46, suitably protected



Appendix 5 – Dated Photographs (16–17 February 2026)

Richard

From: Hughes, Richard [REDACTED]
Sent: 17 February 2026 14:22
To: Richard
Subject: RE: IMPORTANT: White Gates, Netherhampton Road, Salisbury (PL/2021/05759 and NMA: PL/2025/02492) – Section 56(2) Lawful Commencement

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Richard. Please note that I am Planning Manager for all the southern team, hence Adam has passed your email to me. Im afraid the only formal and legally binding way of the LPA confirming that a development has lawfully commenced is for the applicant to submit a Certificate of Lawful Development application, with the relevant evidence that works commenced with the 3 year deadline, and also that all works were carried out in accordance with approved plans, and all relevant conditions discharged. If needs be, the officer would then undertake a site visit as part of that application process.

Richard D Hughes
Planning Manager
Development Management

Wiltshire Council

Tel: 01722 434382
Email: richard.hughes@wiltshire.gov.uk
Web: www.wiltshire.gov.uk

Follow Wiltshire Council



[Sign up](#) to Wiltshire Council's email news service

From: Richard [REDACTED]
Sent: 17 February 2026 12:16
To: Madge, Adam <[REDACTED]>; Developmentmanagement
<Developmentmanagement@wiltshire.gov.uk>
Cc: Jonathan Moffat | Nutshell [REDACTED]; Richard [REDACTED]
Subject: IMPORTANT: White Gates, Netherhampton Road, Salisbury (PL/2021/05759 and NMA: PL/2025/02492) – Section 56(2) Lawful Commencement
Importance: High

Dear Mr Madge,

**IMPORTANT: White Gates, Netherhampton Road, Salisbury (PL/2021/05759 and NMA PL/2025/02492) –
Notice of Section 56(2) Lawful Commencement**

I act for Mr Jonathan Moffat in respect of the above permission at White Gates, Netherhampton Road, Salisbury for a single house and new access etc. (PL/2021/05759).

Lynda King was the lead Officer for PL/2021/05759 and subsequent applications, but, alas, she has retired recently and we understand that you were Lynda's Area Team Leader and you are very familiar with all such planning matters, in this area.

All the pre-commencement conditions (CONDS 3 and 4) attached to the permission have been formally discharged by Wiltshire Council. Further, the approved means of access was amended and subsequently approved under the non-material amendment reference PL/2025/02492.

The permission is due to lapse on 7 March 2026 unless lawfully commenced.

I write to confirm that material operations have now been undertaken on site such that the development has commenced within the meaning of Section 56 of the Town and Country Planning Act 1990.

Section 56(2) provides that development is taken to be begun on the earliest date on which a material operation is carried out. Material operations expressly include "any work of construction in the course of the erection of a building" and, critically in this instance, "any work of engineering operations" and **"the laying out or construction of a road or part of a road"**.

My client has substantially completed the construction of the new access in strict accordance with the approved NMA drawings. These works comprise engineering operations and the construction of a road for the purposes of section 56(2)(b) and (d). The works were undertaken by Boswells, a Wiltshire-registered specialist contractor with expertise in highway and access construction.

I enclose "snapshot" photographs (16/02/26) below evidencing the extent of the "laying out" and "construction" of the access road – clearly – given the substantially complete nature of the access works – the planning permission has been executed/implemented under S56. (NB: Works in accordance with the permission will continue on.)





In the circumstances, it is my client's position that the planning permission has been lawfully commenced prior to its expiry. **I should be grateful for written confirmation from the Council to that effect.** Alternatively, if it would assist, we would welcome a short site meeting to review the works undertaken.

I look forward to hearing from you.

Yours sincerely,

Richard Greenwood

Appendix 6 – Contractor Permission and Supporting Evidence

Vehicle Access, Highways & Transport Services, Wiltshire Council, County Hall,
Trowbridge, BA14 8JN mail: vehicleaccess@wiltshire.gov.uk Phone: 01225 713352

1. Applicant details (Note 1) Please write clearly in **BLACK** ink

Name Jonathan Moffat
Address Waverley House, Lower Road
Town Charlton - All-Saints, Salisbury
County Wiltshire Postcode SP5 4HQ
Applicant Email [REDACTED]
Contact Telephone [REDACTED]

Signature [REDACTED] Date 08/12/25

2. Owner details (Note 2)

Are you the owner of the property? YES ☒ NO ☐
If **NO**, then supply the name and address of the property owner.
Owner Name Jonathan Moffat and Joanna Morrish
Owner Address Whitegates, Netherhaddon Road
Town Salisbury
County Wiltshire Postcode SP2 8NG
Owner Email [REDACTED]

3. Site address if different from above (Note 3)

Address _____

Town _____
County _____ Postcode _____

4. Property details (Note 4)

To which type of building, is the works connected?

House ☒ Flat ☐ Commercial ☐ Agricultural ☐

If the works relate to commercial activity, please describe its type.

Will the works be within the boundary of a listed building? YES ☐ NO ☒

Office use Only

Received

Payment

Validated By

Grid Ref

E

N

Application for the creation or alteration of a Highways Crossing

2

5. Contractor details (Note 5)

Contractor Name Boswell Bros
 Address Ford Ln, Ford
 Town Salisbury
 County Wiltshire Postcode SP4 6DS
 Telephone [REDACTED]
 Contractor Email [REDACTED]

Office use Only

PLI

SWQR

6. Planning Consent (Note 6)

Is there a planning application relating to this work? YES ☒ NO ☐

If YES, please write the planning reference here, and the date consent was issued here

PL/2021/05759 - 7/3/23
PL/2025/02492 - 7/4/25

Checked

7. Access details (Note 7)

Will the access cross any of the following?

Verge ☐ Pavement ☒ Both ☐

Will the access join directly to the highway YES ☒ NO ☐

Road Number

Classification

8. About the works (Note 8)

Have you started or finished any of the works? YES ☐ NO ☒

If works have started or been completed, you must explain what has been done, and when. Continue on separate pages if necessary.

9. Excavation works (Engineering or other operations see Note 9)

Will the access involve additional excavation works? YES ☐ NO ☒

If so, please state the additional amount of cubic meters. Cubic Meters

Will this involve the use of mechanical diggers? YES ☐ NO ☒

10. Retaining walls and Trees (Note 10)

Will the works involve demolition of any existing structures?	YES ☐	NO ☒
Will you need to build or modify any retaining walls?	YES ☐	NO ☒
If YES, please state the height and length of wall (s).	Length	Height
Will the work involve the removal of any trees or hedgerow?	YES ☐	NO ☒

11. Hardstanding (Note 11)

Have you already installed a hardstanding?	YES ☐	NO ☒
If YES, please state the dimensions of the hardstanding and include this in your diagram.	Length	Width
Please state the date the work was completed.		
Does the work include the creation of a hardstanding?	YES ☒	NO ☐
If YES, please state the dimensions of the hardstanding and include this in your diagram.	Length 4500	Width 5500
Will the hardstanding be located between the principle elevation of the property and the highway?	YES ☐	NO ☒

In relation to the hardstanding, what materials were or will be, used?

Tarmac on a Sub base of Type 1.

How will (or was) the surface water from the hardstanding be drained to prevent it running onto the highway? Please note location of drainage / soakaway if present in plans below

*Tarmac feathered back toward S property to lead water away from Pavement / Highway.
Aco Channels installed @ end of apron, draining to soakaway further within property. Soakaway 2 cubic metres.*

12. Proposed fencing, walls or garages (Note 12)

Does the proposal include other works such as a garage, fencing, walls (excluding retaining walls)?	YES ☐	NO ☒
---	------------------------------	--

Describe the additional works below; continue on separate pages if necessary.

Office use Only

Specification
Compliant

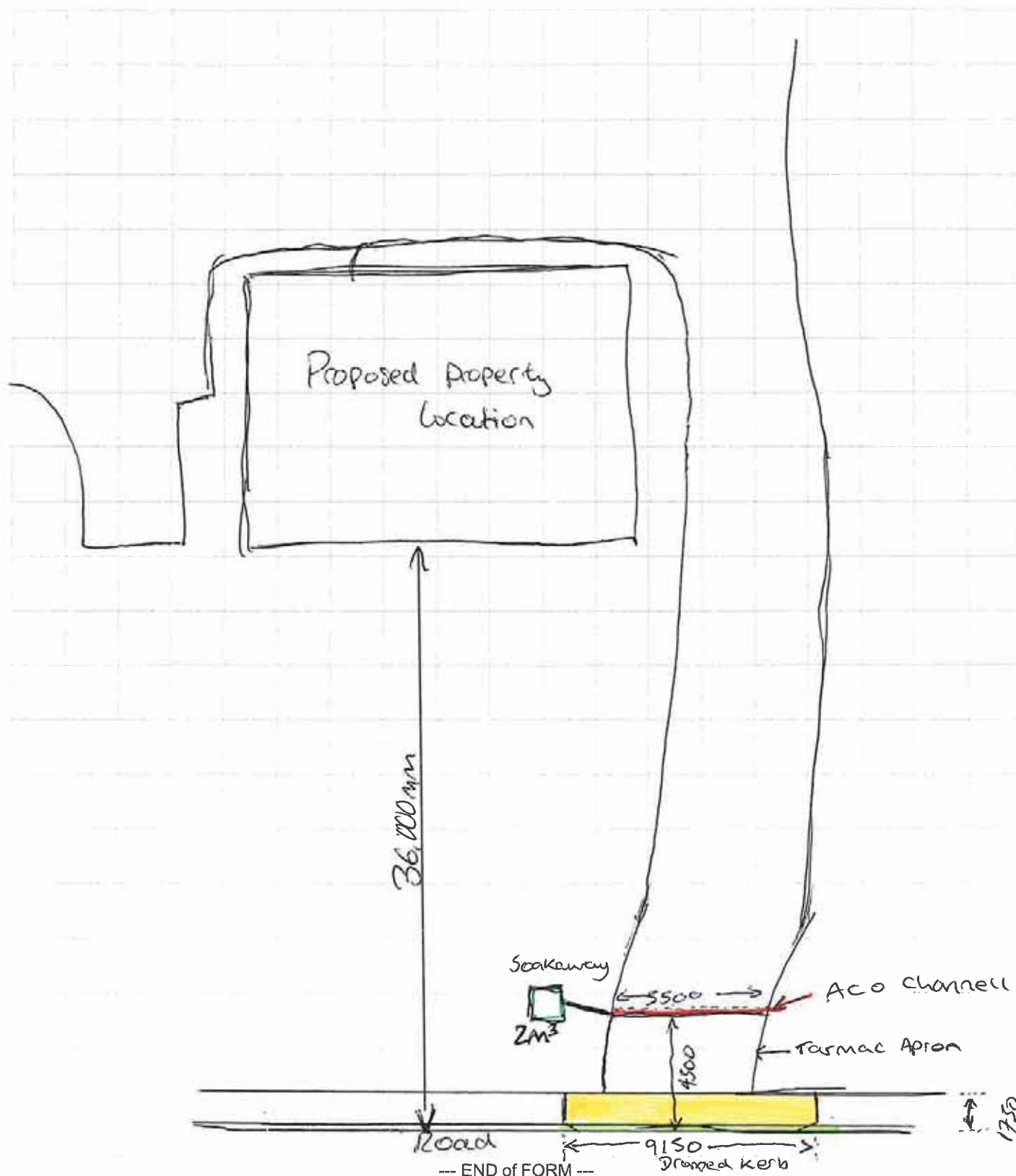
13. Plan of the proposed access and hardstanding (Note 13)

Office use Only

Compliant?

Please make sure your plan includes all of the following information;

- access opening
- dropped kerbs
- hardstanding
- retaining walls
- lighting, utility poles, bridges, signs
- position of hardstanding drainage / soakaway
- drains and utility covers on the ground
- type of materials to be used

We will also require **measurements of the proposed works.**

Jonathan Moffat c/o Sam Taylor at Millway
Waverey House
Lower Road
Charlton-All-Saints
Wiltshire
SP5 4HQ

Vehicle Access
Highways & Transport
County Hall
Trowbridge
Wiltshire
BA14 8JN

Date: 17/12/2025
Ref: VX 16452

Dear Jonathan and Sam,

Whitegates, Netherhampton Road, Salisbury, Wiltshire. SP2 8NG

We are pleased to confirm that permission is granted for the works stated in your application and attached are the licence and notification documents. You must show the Form D Licence, Form D Licence Conditions, and Utility Contacts to your contractor before work starts.

Form D Licence

This is an important document giving you licence to carry out the works in accordance with the highway authority specification, which you received with your application form. The specification must be complied with in full. **The licence and its conditions must be shown to your contractor and is only valid for the contractor that is stated on the licence. Should you need to change contractor for whatever reason you must contact us for an amended licence which carries an administrative charge.**

Form D Licence Conditions

If our highways engineer has any additional conditions to place on the installation works, they will be listed in this document, and must be complied with in full. If the engineer had no additional conditions, then you will not receive this page.

Utility Contacts

The full title of this document is Statutory Undertakers with Apparatus in Wiltshire. It lists all the utility companies that own the pipes, cables and so on that may be beneath the pavement. Your contractor should be aware of these.

Streetworks Notification

Before carrying out any work on highways land, you are required to give a minimum of ten days' notice to our Streetworks team. They maintain a register of planned works on our streets and need to know what is happening and where to manage potential disruptions.

Completion of works

When the work has been completed, please notify us in writing or email and include three photos, if possible, to let us know that our engineer can make their inspection of the installation.

Yours sincerely,

Vehicle Access Team

Email: vehicle.access@wiltshire.gov.uk

Phone: 01225 713352

HIGHWAYS ACT, 1980 – SECTION 184(9)
AUTHORITY TO CONSTRUCT A VEHICLE CROSSING OVER FOOTWAY
AND/OR VERGE OF A COUNTY ROAD

Reference: **VX 16452**
Expiration: **17/12/2026**

Jonathan Moffat c/o Sam Taylor at Millway
Waverey House
Lower Road
Charlton-All-Saints
Wiltshire
SP5 4HQ

In your vehicle access application form (reference number shown above right) you sought permission to construct or alter a vehicle crossing on the unclassified public highway at:

Whitegates, Netherhampton Road, Salisbury, Wiltshire. SP2 8NG

YOU ARE HEREBY AUTHORISED to execute the said works to the highway at this address subject to the following conditions: -

- 1) The works to be executed shall be the same in all respects as specified in the Schedule attached to this.
- 2) As the applicant, you remain responsible for obtaining the consent of any landowners where the construction or alteration of the access crosses, or otherwise affects, land other than public highway.
- 3) The contractor engaged by you to carry out the works:

Boswell Bros. (Salisbury) Ltd

This licence is only valid for the contractor named here, should you wish to change the contractor for any reason, we will have to issue an amended licence which carries an administrative fee.

- 4) Part III of the New Roads and Street Works Act 1991 shall apply to works executed by virtue of this Authority as if the works were executed for road purposes as mentioned in Section 86(2)(d) and Section 86(4). You must therefore comply with any requirements of the Statutory Undertaker and this Authority.

A MINIMUM OF 10 DAYS PRIOR NOTIFICATION OF YOUR INTENTION TO CARRY OUT THE WORKS ON THE HIGHWAY IS NECESSARY. FOR ADVICE PLEASE CONTACT: Streetworks@wiltshire.gov.uk

- 5) The Street Works form enclosed must be returned directly to the Streetworks team as above with a start date and notice must be given TEN days before the work is to be commenced.
- 6) As your proposed vehicle crossing construction is on a classified A, B or C Road, it is your responsibility to ensure you have obtained planning permission from Wiltshire Council as the Planning Authority before you commence construction of the vehicle crossing. This authorisation will be invalid if you do not have the planning consent required.
- 7) Where you have been granted planning permission for a building development which appears to involve a vehicle crossing, you have been issued with a notice Form B (reference number above). The construction of the vehicular access must be completed in accordance with said notice and to the satisfaction of Wiltshire Council before the development is complete. In the event of no action being taken Wiltshire Council has authority to construct or alter a vehicle crossing over a kerbed footway or verge and recover the costs incurred from the owner or occupier of the property concerned.

NOTE: The authority granted in this notice does not replace the need for you to obtain planning permission from Wiltshire Council as the Planning Authority if the construction is on a Class A, B or C road. Failure to comply with any of the terms detailed in this notice may lead to Wiltshire Council closing your access. In accordance with the Highways Act 1980 Section 184, Wiltshire Council may charge you for any costs arising from this work.

Wiltshire Council



**Address and
Reference Number**

Whitegates, Netherhampton Road, Salisbury – VX 16452

Highway Area

Salisbury - South

Date of Decision

11/12/2025

Decision

- | | |
|-------------------------------------|---|
| ☒ | Approve subject to conditions (set out below) |
| ☐ | Refuse (for reasons set out below) |
| ☐ | Further information required (set out below) |

Conditions

- All works to be completed to the Wiltshire Council Highways Specification for dropped kerbs; available to download at <http://www.wiltshire.gov.uk/highways-streets>
- See relevant planning permission(s) for full conditions which are to be adhered to.
- Some of the hedge will need cutting back/removing in order to get the visibility splays as outlined on the plan supplied with the application.



BEN 0057 / 1: Site photos take 28/02/26



BEN 0057 / 2: Site photos take 28/02/26



BEN 0057 / 3: Site photos take 28/02/26



BEN 0057 / 4: Site photos take 28/02/26



BEN 0057 / 5: Site photos take 28/02/26



BEN 0057 / 6: Site photos take 28/02/26



BEN 0057 / 7: Site photos take 28/02/26



BEN 0057 / 8: Site photos take 28/02/26



BEN 0057 / 9: Site photos take 28/02/26



BEN 0057 / 10: Site photos take 28/02/26



BEN 0057 / 11: Site photos take 28/02/26



BEN 0057 / 12: Site photos take 28/02/26



BEN 0057 / 13: Site photos take 28/02/26



BEN 0057 / 14: Site photos take 28/02/26



BEN 0057 / 15: Site photos take 28/02/26



BEN 0057 / 16: Site photos take 28/02/26



BEN 0057 / 17: Site photos take 28/02/26



BEN 0057 / 18: Site photos take 28/02/26



BEN 0057 / 19: Site photos take 28/02/26



BEN 0057 / 20: Site photos take 28/02/26