

Agenda item

PL/2025/09889: Kingsdown Farm, Lords Hill, Longbridge Deverill, Warminster, BA12 7DY

- [Meeting of Western Area Planning Committee, Wednesday 18 March 2026 3.00 pm \(Item 16.\)](#)

Variation of condition 2 of PL/2022/01141 to change the timescale for the deposit of waste and earthworks.

Minutes:

Public Participation

- Matt Williams, agent, spoke in support of the application
- Kate Phillips, applicant, spoke in support of the application
- Jonathon Seed, consultant, spoke in support of the application
- Bridget Wayman, on behalf of Cranbourne Chase National Landscapes, spoke in objection to the application

Steven Sims, as the Senior Planning Officer, presented the report which recommended that the Committee approve the application, subject to conditions, for the variation of application PL/2022/01141 to set an updated timeframe for the deposit of waste and earthworks on site for a period of 3 years and 6-months. Members were reminded that the Committee had approved the 2022 application, which itself varied a 2017 permission, that had in turn varied the original 2010 approval for the construction of agricultural buildings and associated land-reprofiling works.

It was noted that Members of the Committee had undertaken a site visit at 11.00am on the day of the Committee meeting, Wednesday 18 March 2026, with the Case Officer being present.

Attention was drawn to late representations and report updates comprising of confirmed Parish Council objections, with Members being informed that officers would be presenting amendments to the published list of Planning Conditions; specifically, Conditions numbered 2 and 3. Members were also advised on the pre-Committee submission made by applicants prior to the day of the meeting and published as

Agenda Supplement 2. It was explained that the amendments being reported had been subject to liaison with the Council's Legal and Enforcement Teams, and that the wording of Condition 3, pursuant to on-site landscaping, had been reformatted following the site visit and having taken on board additional legal advice.

Key material considerations were identified including the principle of development; impact of the character and appearance of the area/National Landscape/public footpaths; impact on local resident amenities; highway issues; and ecology issues.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

In response to the public forum, officers explained the rationale for recommended Condition 2, to define the period for the applicants to complete the land re-profiling works. As part of this, officers explained that the applicants were also required to secure an Environment Agency waste handling permit and that the 3 year and 6-month time period had factored in the projected timeframe that the permit would likely take to come through. Furthermore, it was explained that the rewording to Condition 3 was based on a review of the criticisms made by an Enforcement Planning Appeal Inspector pursuant to the previously imposed landscape condition.

Members of the Committee then had the opportunity to ask technical questions to the officers and sought clarification on the implications of refusing the application, including whether it would leave the site unfinished, making earlier permissions unimplementable, or expose the Council to appeal. Further queries were raised in respect of the planning history of the site; the historic non-delivery of landscaping; the practicality and timing of any phased landscape planting; and the number and reasons for the previous variations that sought to extend the timeframe for the land re-profiling works.

In response, officers with the benefit of the site visit, drew attention to the delivery of some landscaping already completed on site, and identified that there was a need to secure a fresh condition to secure the submission of a landscape scheme and planting programme for the rest of the site. It was further noted that the proposed Condition 3 had been drafted in such a way to impose as a starting point a requirement on the

applicant to submit a landscaping scheme and planting programme for the Council to dutifully assess as part of the formal discharge of condition process.

Members were further advised that when determining applications in the National Landscape, the Council were required to accord with the strengthened statutory duty as set out in the Countryside and Rights of Way (CROW) Act 2000 to further the conservation and enhancement of the National Landscape, and that this duty applied to each stage of the application, including a discharge of condition submission. It was explained that the sequencing of land profiling and follow up landscaping was a matter for the applicant to propose to the Council for its formal decision and it was not for officers to plan the planting programme for the applicants.

Officers responded to questions relating to the reasons behind the delayed progress made on suite with the land reprofiling works, with the recent economic downturn and the extensive Covid-related disruptions considered a substantive reason since 2020, along with the Environment Agency permit issuing delays following the Council's approval of the aforesaid 2022 application. Finally, it was highlighted that if refused, the previously unbuilt agricultural buildings that depended on the land levels being reprofiled, would be unimplementable.

Councillor Christopher Newbury, as the Local Unitary Member, then spoke to the application and referenced the importance attached to the landscape planting mitigation that the 2010 application was subject to and reiterated the sustained objections and concerns from all three affected Parish Councils and the National Landscape Board. Further reference was made to the site tipping operations alongside the nominal landscape planting to date leading to cumulative landscape and amenity harm, and the strengthened duty set out in the CROW Act.

Cllr Newbury moved that the application be refused, with reference made to Section 85 of the CROW Act 2010, and a conflict with Paragraphs 189 and 190 of the National Planning Policy Framework (NPPF). As there was no seconder, the motion fell.

A motion to approve the application in line with the officer recommendation, subject to the revised wording proposed by officers for Conditions 2 and 3, was then moved by Councillor Trevor Carbin and seconded by Councillor Andrew Davis.

A debate then followed where Members discussed the revisions to Condition 3, with clarification being sought on the finalised wording that varied from what was contained in the published agenda papers pursuant to landscaping being delivered in the first available planting season. Members expressed concerns given the repeated number of variations, but recognised that a fresh permission would be required, with a new set of Planning Conditions to define the terms of this new decision and Condition 3 setting out an enforceable framework for the Council to rely upon if necessary.

Following a vote on the motion, it was then:

Resolved:

The Committee APPROVED the application subject to compliance with the following conditions:

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

Location plan scale drg no. 01020-31 A received on 26.07.2010

Topographic Survey drg no. 3158/01 received on 29.06.2022

Site Sections A-A, B-B, C-C and D-D drg no. 3158/03B received on 29.06.2022 Site Section E-E drg no. 3158/04B received on 29.06.2022

Site layout drg no. 01020-35 rev A dated 15/8/17

Proposed plans and elevations buildings 4 and 5 drg no. 01020-37 received on 12.10.2017

Proposed plans and elevations building 6 drg no. 01020-26 F received on 12.10.2017

Proposed plans and elevations 'Dung Store' drg no. 01020-32 A received on 26.07.2010

**Proposed site section scale 1:1000 drg no. 01020-38 received on 13.12.2017
Landscape plan scale 1:1250 drg no. 1069/PL1 dated 7 March 2018**

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

- The re-profiling of land hereby permitted shall be completed within 3 years and 6 months from the date of this decision. Thereafter and within a period of a further 12 months, all plant and machinery associated solely with the waste importation operations shall be removed from the site.

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

- The re-profiling of land hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such development shall be removed within 30 days of the date of failure to meet any one of the requirements i) to iii) set out below:

i) Within 3 months of the date of this decision a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme (“Landscaping Scheme”) shall be submitted to the local planning authority for its written approval.

ii) If the local planning authority refuse to approve the Landscaping Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and be accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Landscaping Scheme shall have been approved by the Secretary of State.

If the re-profiling of land hereby permitted is required to cease under any of the terms set out above, then it shall not re-commence until a revised Landscaping Scheme is submitted to the local planning authority for its written approval and one of the requirements iv) or v) set out below are met:

iv) The local planning authority approve the Landscaping Scheme.

-

v) The local planning authority refuse to approve the Landscaping Scheme or fail to give a decision within the prescribed period and a valid and accepted appeal has been made to the Secretary of State and subsequently approved.

-

The approved Landscaping Scheme shall be carried out during the first available planting and seeding season for each phase. Any trees or plants that form part of the approved Landscaping Scheme which die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

-

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

-

REASON: To ensure a satisfactory landscape mitigation for the development and the protection of existing important landscape features and in the interests of the character of the area of the national landscape.

-

- The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant – RevisionA, dated December 2009 approved under application W/10/02377/FUL), and the mitigation measure as detailed within this document.
-

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

-

- No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.
-

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

- **No operations relating to the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.**

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

- **No more than 50 HGVs (heavy goods vehicles) associated with the importation of waste shall enter the site on any working weekday, and no more than 25 on Saturdays.**

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

- **All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.**

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

- **During the permitted working hours the free-field equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.**

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

- **No additional external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.**

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Informative

The applicant's attention is drawn to the compliance clauses applicable to conditions relating to details in conditions 2 (material samples), 3 (submission of a programme of archaeological works), 6 (submission of a CEMP), 7 (scheme for the reception of waste materials) and 17 (highway works) under Decision Notice W/10/02377/FUL.

Councillor Christopher Newbury requested that his vote against the motion be recorded.

Supporting documents:

- [March WAPC Report - Kingdown Farm FINAL, item 16. PDF 4 MB](#)
- [PL.2025.09889 - Location Plan, item 16. PDF 474 KB](#)
- [PL.2025.09889 - Aerial Plan, item 16. PDF 875 KB](#)
- [PL.2025.09889 - Kingsdown Farm_Revised conditions, item 16. PDF 109 KB](#)

Is this page useful?

No