

16<sup>th</sup> April 2026

Our Ref: SWLC.LPC5293

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

For the attention of Ms I Wise

Dear Ms Wise

**Town and Country Planning Act**  
**Certificate of Lawfulness regarding the proposed erection of a new industrial**  
**building for the undertaking of OTM at their premises at**  
**Lower Stanton St Quintin, Chippenham, SN14 6AA**

As you will be aware my client's recent application (LPA Ref PL/2025/09918) regarding the above development was resisted as the temporary 'storage' of cars has been interpreted as land available for the parking or turning of vehicles.

It is a matter of fact that the land on which the proposed building was to be sited has been used for storage purposes only and not as a car park intended to service the existing premises, which is the only logical reason that Part 7, Class H seeks to safeguard parking and manoeuvring space. This is shown by the dated aerial photographs below.



2021

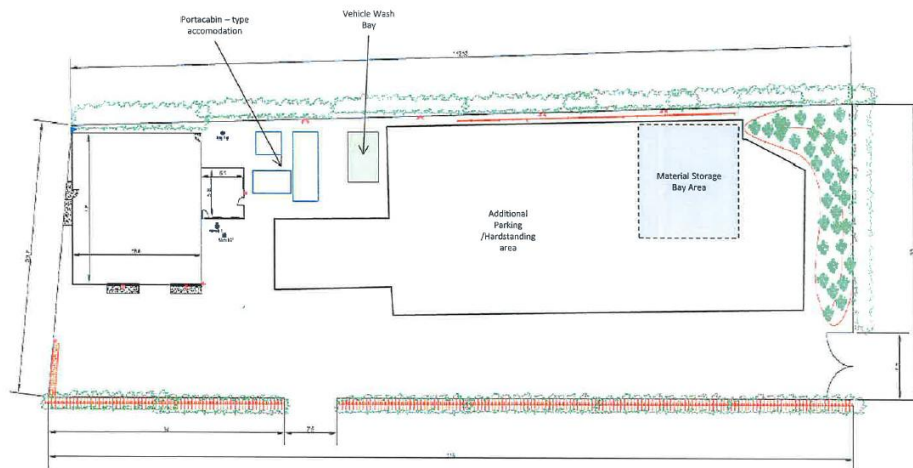


2026

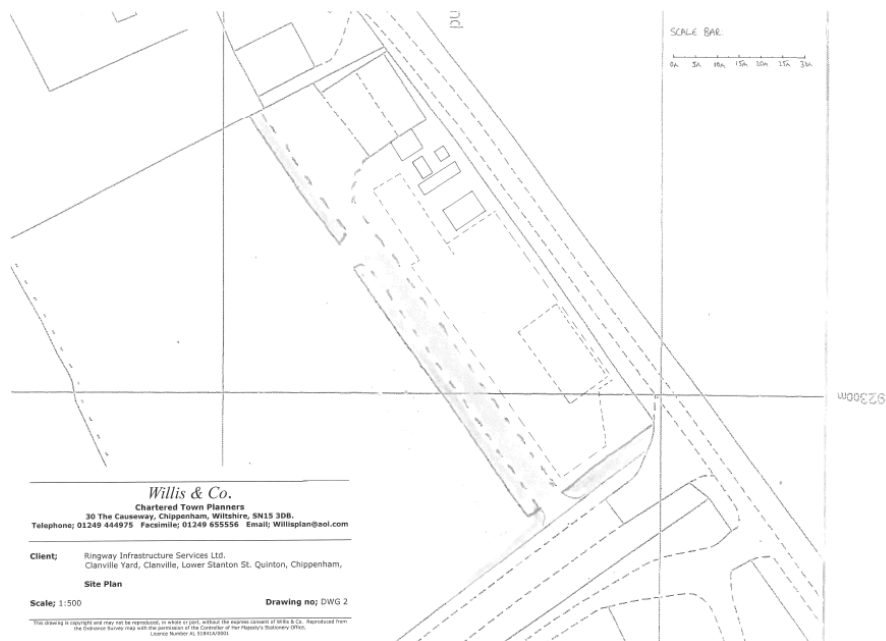
The site user OTM is a fleet vehicle management operator and consequently cars are a 'product' which have periodically been stored on site. I understand this is

perhaps a moot point as your decision report reverts back to the site's last application and the submitted site plan (relating to application 16/06586/FUL) which demarcates part of the space to the east of the existing premises (notwithstanding how it has actually been used) as 'Additional Parking/Hardstanding area' and within which an area was also labelled as 'Material Storage Bay Area'. These are of course evident in the photographs on the earlier page.

There are different plans on the 2016 file that demarcate the specified storage area and you have of course noted one which we of course referenced in our post decision email exchange. There is a second plan online that appears to have been submitted after the plan we discussed and therefore presumably takes precedence. I have inserted both plans as although the differences are modest, I favour the later Site Plan as opposed to the earlier submitted Layout Plan. The Site Plan is the only scaled drawing and was presumably submitted later at the request of the case officer to validate matters. The earlier plan is more illustrative by format too.



Layout Plan



Site Plan

As you will recall, by email exchange on 17/02/2026 (and of course without prejudice) it was agreed that if the proposed building were to be re-sited to be contained within the undisputed sanctioned storage space, and utilising the land to the south maintained for access to that area (and thus not available for parking) it would 'likely result in a different assessment against Part 7, Class H'.

Accordingly on that basis I have pleasure to enclose a revised certificate application (as proposed) for a reconfigured new building. The green rectangle shown below reflects that on the Site Plan extract inserted on the previous page, and as you will see accommodates the previously proposed building in a slightly different position and thus avoids any land available for parking and manoeuvring.



For the avoidance of doubt, I have reinserted the relevant assessment criteria compliance matters satisfied by the changes made and trust we can now agree that the slight changes made overcome any uncertainty about the loss of available parking and manoeuvring space, and the new certificate can be issued without delay.

Class H specifically relates to new industrial and warehousing development. It permits, as submitted the erection, construction or alteration of an industrial building or warehouse.

H.1 Development is not permitted by Class H if—

- (a) the gross floor space of any new building erected would exceed—
  - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
  - (ii) in any other case, would exceed 200 square metres;

*The application site does not fall within article 2(3) land and does not exceed the 200m<sup>2</sup> floor space limitation as marked clearly on the submitted plans.*

- (b) the gross floor space of the original building would be exceeded by more than—

- (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
- (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
- (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

*N/A as the proposal is not an extension to the original building.*

- (c) the height of any part of the new building erected would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
  - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

*As the submitted drawings show the application building does not exceed 5m in height.*

- (d) the height of the building as extended or altered would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
  - (ii) in all other cases, the height of the building being extended or altered;

*N/A as above at (b)*

- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

*The proposed building is sited more than 5m from all boundaries*

- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

N/A

- (g) the development would be within the curtilage of a listed building.

N/A

The exercise of the permitted tolerances as satisfied above is also subject to those conditions at H.2 and listed below.

- (a) the development is within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered is only to be used—
  - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
  - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
- (c) no building as erected, extended or altered is used to provide employee facilities—

- (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
- (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999 M18;
- (d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
- (e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

As before, the proposed new building is located within the established commercial planning unit and will be used for the purposes of the undertaking of OTM based in the existing building and utilising the yard as a whole. The hours of operation will be satisfied and in all other regards the conditional matters listed above do not apply.

Accordingly, I trust you will agree that in light of the changes previously discussed you have sufficient information to confirm that the new building constitutes permitted development, and the Local Planning Authority is respectfully invited to grant a Certificate of Lawfulness confirming that the development would be lawful at the date of the application. If you have any questions to ensure your support, please do not hesitate to contact me.

Yours sincerely

Simon Chambers  
Director

Enc.

Cc Mr R Watkins