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YEARS



Campaign to Protect
Rural England
Wiltshire

28 April 2026

For attn Case Officer - Lucy Rutter-Dowd

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Dear Mrs Rutter-Dowd

Planning Application ref: PL/2025/07885
Site: Wilsford Manor, Wilsford, Pewsey, SN9 6HB
Proposal: Agricultural Track

CPRE Wiltshire has considered the above application and has the following objections:

We consider this to be unauthorised engineering works and track installation in the field ("the field") north of Wilsford Manor. This field has historically served as an essential green space and grazing area that characterises the village.

1. Fundamental Abuse of Process and Forfeiture of Rights

The Planning Department should not accept a Certificate of Lawfulness as a "path of least resistance". The applicant is attempting to use a Certificate of Lawfulness (LDC) to bypass the scrutiny of a full retrospective planning application.

2. Procedural Impropriety and Breach of Extant Permission

The application is fundamentally flawed as it fails to specify whether it is being determined under Section 191 or Section 192 of the Town and Country Planning Act 1990. This is not a mere clerical oversight; it represents a failure to meet the statutory requirements for a Lawful Development Certificate (LDC):

- If this is a Section 191 application, the burden of proof is on the applicant to provide clear, "unambiguous" evidence that the track has been in situ for the requisite period (typically 4 years for operational development). As the track appeared as recently as March 2025, it cannot meet this threshold.
- If this is a Section 192 application, the Council must look at whether the works *would* be lawful if carried out today. However, because the engineering works have **already been completed**, a Section 192 certificate cannot be issued. You cannot apply for a "proposed" certificate for a "completed" breach.

By failing to choose a path, the applicant is attempting to bypass the rigorous evidence standards required by law. We contend that since the work is already done and does not meet the time-limitations of Section 191, the only lawful path forward is a Retrospective Planning Application, not an LDC.

There is no evidence that the applicant sought Agricultural Permitted Development prior to notification, which is a condition precedent, as such if they did not notify Wiltshire Council **before** the work was started, the applicant never had PD rights in the first place, therefore the track is simply 'unauthorised'.

Furthermore, while the portal may list this as 'Existing Use' the submission fails to provide the statutory evidence required for such a determination.

- Extant permission: The track and gate directly contradict permissions PL/19/11546/LBC and 19/11116/FUL (permission dated 09.03.20), which specifically designated existing entrances for access.

3. Lack of Agricultural Justification

Permitted Development for tracks requires a genuine agricultural necessity, which is not present here:

- The applicant's 2019 Design and Access Statement confirmed existing accesses were "suitable and safe" for both domestic and farm use. No material change has occurred to justify a third access.
- As the site is subcontracted and no longer a "working farm," the claim to PD rights is highly questionable.
- The agricultural farm buildings, northern range of the courtyard and tennis courts are presently also accessed directly off Church Lane via a laid out concrete surface.
- "Two accesses exist already and are considered both suitable and safe in regard to access onto and from a low-speed country road" para 2.13 of the applicant's Planning Statement
- This development represents a "luxury" domestic improvement rather than a functional agricultural track. It introduces a significant amount of built form—subsurface building waste and road planings—into a protected "green gap". This engineering operation replaces a natural green sward with a permanent, urbanised structure intended for unauthorised vehicle parking and equestrian purposes, neither of which qualify for Agricultural PD rights.
- If the applicant suggests the current activity falls under 'agricultural use', planning law distinguishes between the grazing of horses and the 'keeping of horses', local knowledge would suggest that the horses on the site are being given supplementary feed/rugged/and exercised, which constitutes a material change of use to equestrian (Sui Generis), for which formal planning is required which has not been sought.

4. Environmental Hazards and Waste Disposal

The introduction of non-inert "urban" materials into a floodplain without a formal Flood Risk Assessment is a grave procedural and environmental oversight.

- The structure consists of dumped building waste and road planings. Local knowledge and aerial photograph in the applicant's 2019 Design & Access statement evidences the field has historically been clear of any such debris.
- Substantial quantities of building waste have been deposited immediately adjacent to a watercourse feeding the River Avon, a designated Nitrate Vulnerable Zone (NVZ).
- Local observation confirms water levels have already reached this deposited debris. There is no evidence that the applicant obtained necessary Environmental Permits for engineering works in such proximity to a watercourse.

5. Irreparable Harm to the Conservation Area and Heritage

The development causes significant material harm to the Wilsford Conservation Area and the North Wessex Downs Landscape Character Area.

- The engineering works may have disturbed prehistoric and medieval field systems common to Wilsford.
- Construction caused visible bark damage to a "significant" tree identified in the Wilsford Conservation Statement 2004.
- There are empty barns in the farmyard that could accommodate the materials currently giving the field a "builder's tip" appearance.

6. Highway Safety Breaches

- The applicant has failed to seek permission for gates erected directly onto a highway.
- The double gates fail to provide a 5-metre lead-in from the public highway, creating a direct risk to highway safety.

Conclusion

The evidence indicates a clear breach of prior permissions and an unauthorised change of use. The applicant has bypassed legal procedures to install a 'luxury' domestic improvement that erodes the character of the protected landscape. We urge the Council to refuse this certificate and require a Full Planning Application to properly assess the landscape impact and restore this integral green space when we will comment further.

Yours sincerely

Anne Henshaw

References:

Wilsford Conservation Statement 2004

Planning Permissions - PL/19/11546/LBC and PL/19/11116/FUL

Manor Farm Design & Access Statement - Rural Solutions Ltd September 2019 re PL/19/11116/FUL

Planning Statement - Rural Solutions Ltd November 2019 re PL/19/11116/FUL

Attachment:

Photographic exhibits

cc

Environment Agency email: enquiries@environment-agency.gov.uk

Wiltshire Council Planning Enforcement email: PlanningEnforcement@wiltshire.gov.uk

Wiltshire Council Arboriculturists email: Planningtrees@wiltshire.gov.uk

Wiltshire Council Environmental Protection email: publicprotectionwest@wiltshire.gov.uk

Wiltshire Council's Drainage Department email: drainage@wiltshire.gov.uk

Councillor Paul Oatway email: Paul.Oatway@wiltshire.gov.uk

Charlton St Peter & Wilsford Parish Council email: clerk@cspw.org.uk