

THRINGS

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Development Management
Economic Development and Planning
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By email only to: developmentmanagement@wiltshire.gov.uk 11 May 2026

Your Reference: PL/2026/02184
Our Reference: FMQ/D5148-3

Direct Line: 07387 024 067

Dear Mr James

Planning Objection relating to the Application for Planning Permission for *Retrospective change of use to a mixed-use site comprising agriculture and B8 storage (including open storage)* (“the Application”).

Site: ‘Hillview Farm, Sells Green, Seend, Melksham, SN12 6RS’

We are instructed by Devizes Steel Supplies Enterprises Limited (“our Client”) who are the owners of *land and buildings on the North East of Bath Road, Seend, Melksham* also known as the Old Saw Mills (“our client’s property”). Our Client is the owner of part of the site affected by the Application. Our Client’s property is to the south of the Site and the vehicular access for the Application is within our Client’s registered title boundary.

The Application has been submitted on behalf of Coppard Plant Hire Ltd (“the Applicant”). We have reviewed the Application documents which have been submitted to Wiltshire Council (“the Council”) in support of the proposed development and are instructed to submit **an objection to the Application** on behalf of our Client.

This letter sets out the relevant policies of the development plan and other material considerations which should be taken into account in the determination of the Application.

1. The Site

- 1.1 The Site is located adjacent to existing buildings near Sells Green. It is outside of any defined settlement boundaries, and is not adjacent to any Principle Settlement, Market Town or Local Service Centre.
- 1.2 Prior to the unlawful use commencing on the Site, it was in agricultural use. The Application suggests that this agricultural use will continue as part of the ongoing operations on the Site, although no detail is provided to support that assertion.

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- 1.3 The Site is accessed from an existing access point on the A365. Our Client was served notice of the Application as owner of part of the Site as that the Applicant does not have ownership control of the private road which forms the vehicular access to the Site.
- 1.4 As set out in the planning statement accompanying the application, the Site is within an area which has an “essentially rural, agricultural character”.
- 1.5 There is a collection of light industrial units to the south of the Site. These units sit alongside the Kennet and Avon Canal on land which has no historic agricultural use.
2. **Legal and policy background**
 - 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 also states that the Council should have regard to the provisions of the development plan, so far as material to an application, and to any other material considerations.
 - 2.2 The Council’s development plan comprises of the Wiltshire Core Strategy adopted in 2015 incorporating saved policies from district local plans which includes the Kennet local plan (2011) - Sells Green. Whilst the Council have prepared a new Local Plan which has been submitted for examination, the Inspector has identified a number of flaws in the draft which mean that it should only be given very limited weight in determination of any applications at this stage.
 - 2.3 The National Planning Policy Framework (“NPPF”) sets out the Government’s planning policies for England and is a material consideration in determining a planning application.
 - 2.4 The Seend Parish Neighbourhood Plan was made in May 2021 and forms part of the adopted development plan. The Site is outside of the Settlement Area’s defined by this document. The Applicant places weight on the Seend Parish Character Statement prepared in 2020 as justification for the Site being within an established Industrial Estate. It should be noted that this plan was prepared after the unlawful use of the Site commenced and is a document setting out the characteristics of areas that existed at the time of its preparation. It did not involve any assessment of whether the uses within the identified area’s were lawful. It should not be used as a justification for unlawful development. It should be uncontroversial that as the unlawful use of the Site has not been occurring at the time of preparation, the agricultural land to the rear of the industrial units adjacent to the canal would not have been included within this character area. As a matter of public policy, it is not appropriate for an applicant to benefit from their breaches in this way.
3. **The Application**
 - 3.1 Before dealing with specific policy objections to the proposed use, it is worth setting out some general concerns with the Application as a whole.
 - 3.2 The Application has been submitted in response to an investigation by the Council into a breach of planning control. It has been submitted with very limited supporting documentation. Notably, despite seeking consent for a storage use for heavy plant and machinery the Application contains no detail on highways safety, no detail on air quality and

no detail on noise impacts from the proposed use. Ostensibly this lack of information is justified on the basis that the use has been occurring since 2017.

- 3.3 It should not need to be highlighted that any use of the Site for storage of plant is a breach of planning control. On the Applicants own submissions, that use has only been occurring for 8 to 9 years, and so is unlawful. As a result, the existing operations on the Site do not amount to a lawful baseline for highways impacts, air quality or noise impacts from the use. The impacts of the use must be properly assessed as part of this Application.
- 3.4 Indeed, reviewing aerial photographs, it is apparent that any use of the Site in this fashion has increased over time. Even if it started in 2017, the unlawful use has grown over time such that it is now different in nature to what was occurring in 2017. No support can be drawn from any use of the site up to this point as it is impossible to conclude that the impacts have been consistent throughout that period.
- 3.5 The requirement for reports providing this information is set out in the Councils validation list. As such, in the absence of the relevant information, it is not clear that the Application has been validly made. The Council should reject the Application and consider enforcement action against the on-going breach. Failing that, the Council must request further information be provided, and then reconsult on the Application so that the additional information is properly available for consultation.
- 3.6 Further, it appears as though the Application inaccurately describes the existing unlawful use of the Site. In particular, the Application seeks consent for a change of use to a mixed use of Agriculture and B8 Storage. The location plan is tightly drawn around the access track and the area designated for “external storage”. The Planning Statement seeks to justify the proposals as a necessary extension to an existing commercial plant hire operation.
- 3.7 The Planning Statement submitted with the Application refers to the use of the site as “longstanding”. Whilst the Applicant is clearly an existing business, this business operates from an existing site which is closely located, but separate to, the Site. That business is not within any defined settlement and is not rural in nature. No evidence has been submitted that the development is required to benefit local economic or social needs.
- 3.8 Simply put, there appears to be no agricultural operation proposed on the Site and therefore no mixed use. Instead, the application seeks to justify a change of use from agriculture to open storage with any “agriculture” retained only on the blue line area. There is no justification provided for the loss of the agricultural use and operation from this Site. As such, the Application is wholly deficient.

4. Specific Objections

The Principle of Development

- 4.1 The adopted policy position is clear. The Site is outside of any designated settlement and so the proposals amount to development outside the defined limits of development. Policy CP2 is clear that “other than in circumstances permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted”. These exception policies are identified as:

- (a) Additional Employment Land (CP34)

- (b) Military Establishments (CP37)
- (c) Development related to Tourism (CPs 39/40)
- (d) Rural Exception Sites (CP44)
- (e) Specialist accommodation provision (CPs46/47) and
- (f) Supporting rural life (CP48)

4.2 In the absence of policy support from these policies, there is an in principle objection to development. Of these, the only policy with any relevance to the proposed development is CP34.

4.3 The applicable section of CP34 Additional employment land is as follows:

“Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:

- i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.*

Where they:

- a. meet sustainable development objectives as set out in the policies of this Core Strategy and*
- b. are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and*
- c. are supported by evidence that they are required to benefit the local economic and social needs and*
- d. would not undermine the delivery of strategic employment allocations and*
- e. are supported by adequate infrastructure.”*

4.4 Applying each in turn:

- (a) The Site is not adjacent to a Principal Settlement, Market Town, or Local Service Centre, so criteria (i) does not apply;
- (b) The application does not relate to sustainable farming or food production nor allow adaptation to modern agricultural practices or diversification and so criteria (ii) does not apply;

- (c) The business on the Site is not a rural based business (being a civil engineering plant hire business), neither is it within or adjacent to a Large or Small Village therefore criteria (iii) does not apply;
 - (d) There is no reason to conclude that this development is essential to the wider strategic interest of the economic development of Wiltshire. It is therefore impossible to conclude that criteria (iv) is engaged.
- 4.5 Even if that criteria were engaged, it would only provide support for these proposals where (a)-(e) were met. Where (i)-(iv) are alternatives, with criteria (a)-(e) all of these criteria must. The location of the Site is contrary to the sustainable objectives of the core strategy. The development will have adverse effects on nearby occupants (or, at the very least, the Application has elected not to submit any reports which would demonstrate that there are no impacts). There is no evidence presented to demonstrate the development is required to benefit the local economic or social needs. As such, we submit that the proposal does not meet the sustainable development objectives of the core strategy (criteria a, b, c and e of CP34) and is contrary to the development plan as a matter of principle.
- 4.6 There are no identified material considerations, and no policies in the NPPF which would support the development in this location and therefore nothing will outweigh this policy conflict.

Highways Safety Impacts

- 4.7 The Application documents are largely silent on the impact the proposed use will have on the area. The Planning Statement points to the fact that there have been no issues since 2017, but there is no evidence that the use has been consistent for that time. Whilst the existing access is available for use for agricultural vehicles, the application documents confirm that the Site is used for delivery of plant on flat bed vehicles. These movements are not the same as agricultural vehicle movements and have not been assessed.
- 4.8 Indeed, policy SP14 Impact of Development on Highways and Traffic from the Seend Parish Neighbourhood plan states: *“Where appropriate, development proposals should be supported by a Transport Statement or Assessment which sets out details of the transport issues relating to the development, including the measures that will be taken to mitigate any road safety or any significant traffic impact of the scheme and offer opportunities to improve the pedestrian and cycle connectivity”*. No such assessment has been provided and whilst the Planning Statement points to the existing use as a fallback to justify not submitting this information, the reasons that is insufficient are set out above.

5. Conclusion

- 5.1 The Applicant has failed to provide adequate information within the Application documents and as such the Application should not be determined at this stage as the impacts of the Development cannot be fully assessed. In the event that further documents are submitted, the Council should reconsult in full on these additional documents.
- 5.2 This aside, the proposed development is contrary to adopted policy by reason of its location alone. In addition, the proposals conflict with policy in relation to highways impacts, and sustainability of location. There are no identified material considerations which outweigh this policy conflict.

- 5.3 As a result, the Application should be refused at the earliest opportunity. Enforcement action against the ongoing breach of planning control should then be pursued.

Yours faithfully,

A black rectangular box redacting the signature of the sender.

Thrings LLP