

Our Ref: JMR/107611-0001
Your Ref: PL/2025/06615

Mr Simon Smith
DM Planning Manager
Wiltshire Council

By email only to: Simon.Smith@wiltshire.gov.uk

LETTER BEFORE ACTION

Date: 15 May 2026

Dear Mr Smith

Proposed Development at Seagry House, Upper Seagry, Wiltshire Planning Application Reference: PL/2025/06615

We act for Mr Andrew Scott, MRICS who is the owner and occupier of Oak Hill House, where he lives with his family.

At the meeting of your Council's Northern Area Planning Committee yesterday, an irregular and unlawful resolution was apparently passed by Members, purporting to grant planning permission for the proposed development referenced above.

Mr Scott has registered his objections to this proposed development citing a number of significant material planning considerations which weigh against the grant of planning permission, but his immediate concern is that the decision-making process at the Committee Meeting was infected by procedural irregularities such that the Committee's resolution cannot be allowed to stand.

In turn, this means that a Decision Notice purporting to grant planning approval for the proposed development must not be issued.

Although Mr Scott continues to assert that planning permission should not be granted for the development, the purpose of this letter before action is not to question the planning judgment made by Members, but to draw attention to the flaws in the Committee's processes and prevent the grant of planning permission until the planning application has been properly considered and debated by Members.

Pending the proper consideration and determination of the application, in accordance with both the Council's Constitution and principles of Administrative Law, Mr Scott's rights remain fully reserved.

The Generator
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We note that, perhaps unusually these days, the meeting was not transmitted virtually for the benefit of interested parties, and that it was not recorded. Nevertheless, Mr Scott attended in person and noted the following material irregularities:

- early in the proceedings, Cllr Chuck Berry proposed a motion to approve the application with conditions. Cllr Berry turned to Cllr Matt Bragg who was seated behind him, apparently expecting that Cllr Bragg would second the motion. In the silence which followed, Cllr Berry appeared to accept that Cllr Bragg did not second the motion. Cllr Berry's motion was subsequently withdrawn by him;
- a different (unidentified) councillor then proposed a motion to defer consideration of the application to a later date, which proposal was seconded by another councillor (again unidentified), which led to substantial debate amongst Members about the deferral motion. Several Members also expressed concern that a number of material issues remained unresolved, including issues regarding flood risk and the sequential test, the use of the Hen Lane access, hours of operation, Core Policy 34 and the Seagry Neighbourhood Plan;
- subsequently, Cllr Berry interrupted the ongoing deferral debate saying that he now understood that there had after all been a seconder for his motion to approve the application, subject to conditions. He turned to Cllr Matt Bragg (seated behind him), asking if Cllr Bragg had seconded the motion, despite his previous withdrawal of his original motion. Cllr Bragg apparently did say that he had seconded the motion, but as that confirmation was after Cllr Berry had withdrawn that motion, and it was not re-proposed, that debate was invalid and of no legal effect.
- Further, by his interruption, the deferral debate was thus curtailed by Cllr Berry interrupting and seeking to resurrect his original motion, although it is far from clear that all Members realised that they were being asked to vote on Cllr Berry's motion, or the deferral motion.
- It was unclear to Mr Scott, and to other Councillors (subsequently confirmed to Mr Scott directly by those Councillors) which motion was being voted on and thus the vote to approve the planning application with conditions is thus uncertain and unlawful and the Decision Notice purporting to grant planning approval must not be issued.

It is clear that in order to avoid this kind of confusion at the Council's Committee Meetings it is advisable that the proceedings are recorded so that any such confusion can be properly and fairly resolved.

If the Decision Notice granting planning approval for the development is issued in reliance on the Members' confused vote at the meeting yesterday, be advised that Mr Scott will issue proceedings in the Planning Court to challenge the grant of planning permission on these procedural grounds as well as on other grounds.

Kindly confirm by return that the Decision Notice will not be issued until this planning application has been considered and properly debated by Members in a fully informed meeting, including full consideration of the material objections raised by Mr Scott and others.

Yours faithfully

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