

FAO: Isobella Wise
Wiltshire Council Planning Department

By email to: developmentmanagement@wiltshire.gov.uk

24 June 2026

Your Reference: PL/2026/02966

Direct Line: [REDACTED]

Our Reference: RT/T5313-1

Email: [REDACTED]

Dear Sir/Madam

PLANNING OBJECTION

Application: Outline planning application for the erection of up to 275 dwellings (including affordable housing), associated infrastructure, landscape and biodiversity enhancements, with all matters reserved except for the main access from Sandridge Common (reference: PL/2026/02966)

Site: Blackmore Farm, Sandridge Common, Melksham, SN12 7QS

We are instructed by Thomas and James Stainer of T & J Stainer Limited who own land at Snarlton Farm, Melksham, immediately adjacent to the Site. Our Client objects to the above application for outline planning permission for 275 dwellings (ref: PL/2026/02966).

Our Client's primary objections are to (1) the removal of established hedgerow on the shared boundary between our Client's land and the Site; and (2) the proposed walkway/cycleway works from the Site to join Bridleway MELW40 across approximately 8 metre width area of land in our Client's registered ownership.

1. Importance of the Walkway/Cycleway to the Development Scheme

- 1.1. The Planning Statement and Design and Access Statement repeatedly rely upon connections to Bridleway MELW40 and the wider public rights of way network in order to demonstrate sustainable access to and from the development. The proposed connection to MELW40 is presented as an important benefit of the scheme and forms part of the applicant's justification for development in this location.
- 1.2. This issue has become even more significant following the comments of the Council's Countryside Access Development Officer, who has requested:
 - An additional connection onto MELW40 behind Lopes Close;

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- A dedicated bridleway connection from MELW40 into the development; and
 - A further connection north of Eight Acre Plantation.
- 1.3. The works connecting to and improving MELW40 is clearly a fundamental part of the applicant's connectivity strategy.

2. Consents Required for Delivery of Walkway/Cycleway

- 2.1. Bridleway MELW40 runs across land within our Client's registered ownership (outside of the red line plan and beyond the scope of the bridleway) and the applicant has failed to demonstrate that the necessary land rights exist to deliver the connections and infrastructure upon which the application relies. Our Client estimates that approximately 8 metre width area of our Client's land would be needed to deliver the proposed walkway/cycleway works.
- 2.2. No form of legal agreement has been entered into by our Client and the applicant. The applicant has not approached our Client to discuss their proposal or attempt to agree a suitable way forward, as would normally be expected. As such there is no agreement as to accessing our Client's land for installation or maintenance of a walkway or cycleway or for removal of hedges on our Client's land and boundary to accommodate the proposed development.
- 2.3. Furthermore, our Client has previously deposited a statement and declaration pursuant to Section 31(6) of the Highways Act 1980 in respect of their land. This makes clear that no additional public rights of way have been dedicated. The existence of this declaration further emphasises the need for the applicant to demonstrate how any additional connections, access arrangements or rights relied upon by the application can be lawfully secured and delivered.
- 2.4. Whilst we appreciate that the planning system does not concern itself with matters deemed to be private property matters, it is important in this case that the Council ensures that any planning permission granted does not entail a s106 contribution for Council delivery of the walkway/cycleway. Such a s106 contribution would make delivery of a necessary walkway/cycleway a Council issue to resolve and expose the Council to the risk of future litigation.
- 2.5. Any planning permission should include a pre-commencement planning condition which makes it clear that the applicant must obtain and evidence the necessary consents before for delivery of a walkway/cycleway. This would meet the tests on the basis walkway/cycleway connections go to the heart of such a planning permission and would be a proportionate way of ensuring the development is accessible by foot/bicycle and ultimately sustainable.

3. Assessment of Alternative Routes

- 3.1. The application does not provide any evidence of alternative routes in order demonstrate that these have been properly explored and discounted.
- 3.2. The applicant should be required to demonstrate why routes within highway land or land under the applicant's control are not available before seeking to utilise our Client's land and removal of established hedgerow.

4. Assessment of Impact

- 4.1. The application does not consider the impact of substantial hedgerow removal. Any planning permission should include requirements to undertake such aboricultural / ecological assessments.
- 4.2. Where land is required outside of the red line plan, this should be secured through a s106 agreement with the relevant landowners (which includes our Client as a relevant landowner) otherwise delivery of essential infrastructure cannot be secured.

5. Reliance Upon Infrastructure Pending Approval Under Another Development Scheme

- 5.1. The applicant's sustainability case relies upon future pedestrian and cycle connections associated with the adjacent Blackmore Farm Phase 1 development. In particular, the applicant relies upon onward connections through the wider rights of way and cycle network, including the proposed walking and cycling route associated with Bridleway MELW41 and the proposed signal-controlled crossing on Eastern Way.
- 5.2. The application repeatedly promotes sustainable travel opportunities, reduced reliance on private vehicles and improved connectivity to Melksham. However, these claimed benefits depend upon infrastructure that is not yet available for public use and remains dependent upon the implementation of works associated with the adjoining development and approval of the application to discharge conditions (PL/2026/02454). We have submitted objections to the discharge of conditions application (PL/2026/02454) on the Blackmore Farm scheme, raising concerns regarding similar issues of land ownership/lack of third-party rights and thus deliverability issues, amongst other matters. In addition, trees affected by the proposed works associated with the MELW41 route have recently become the subject of a Tree Preservation Order. The Council has therefore recognised the amenity value of these trees and afforded them formal protection. This further demonstrates that the delivery of the proposed route is not straightforward and remains subject to additional environmental and regulatory constraints.
- 5.3. The applicant therefore seeks to rely upon connectivity benefits that remain dependent upon infrastructure which has not yet been demonstrated to be capable of delivery. The Local Planning Authority should therefore ensure the deliverability of the Blackmore cycleway/footway prior to attaching weight to these claimed benefits when determining this application.

6. Conclusion

- 6.1. The application fails to demonstrate that key elements of the active travel and public rights of way network relied upon to support the development are deliverable.
- 6.2. The development relies heavily upon connections involving MELW40 and the wider rights of way network. MELW40 runs across land within our Client's ownership and the applicant has not demonstrated that the rights necessary to deliver the proposed connections and associated infrastructure exist.
- 6.3. The Council's Countryside Access Development Officer has identified a need for additional rights of way connections beyond those currently proposed, reinforcing the fact that the development's connectivity strategy remains unresolved.
- 6.4. The applicant also relies upon connectivity benefits associated with MELW41 and the proposed Eastern Way crossing, despite those elements currently being the subject of separate discharge of conditions application PL/2026/02454, unresolved concerns regarding deliverability, land ownership/rights and landowner consent issues, and additional constraints arising from protected trees subject to a newly granted Tree Preservation Order.
- 6.5. The Council therefore need to ensure that any planning permission safeguards against the risk of not delivering the necessary walkway/cycleway through the use of appropriate pre-commencement conditions and obligations including off-site requirements on third party land where the necessary ownership or rights have not been demonstrated.

7. Actions requested:

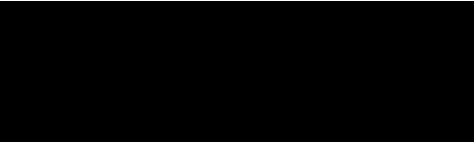
- 7.1. It is respectfully requested that the Council requires the applicant to:
 - Consider alternative routes which do not cross our Client's land and if applicable set out why the applicant considers those alternative routes unacceptable;

- Provide further information on the deliverability of the currently proposed route over our Client's land and the necessity to seek to enter into a legal agreement with our Client;

7.2. The Council is also requested to:

- Consider whether the width of the bridleway in the Council's archived plans is sufficient to deliver the proposed walkway/cycleway in consultation with the PROW officer;
- Ensure that there is a requirement for arboricultural and ecological assessments of hedges to be removed to accommodate the cycleway/walkway outside of the red line and on our Client's land/bridleway;
- Ensure that any s106 agreement does not allow for a contribution to the Council for Council delivery of the walkway/cycleway on the bridleway on our Client's land - so that it remains the applicant's responsibility to carry out the works;
- Ensure that a section 106 agreement (with s278 and 38 provisions as needed) is required for the delivery of any infrastructure falling outside of the applicant's ownership / red line plan specifically requiring the joining of our Client for the delivery of proposed walkway/cycleway on land within their ownership and beyond the extent of the bridleway;
- Ensure there is a pre-commencement planning condition requiring the applicant to obtain and evidence all necessary consents for delivery of the walkway/cycleway including for removal of the hedges; and
- Ensure the deliverability of the Blackmore walkway/cycleway proposals in light of the applicant's reliance on those works being delivered as part of the current outline application.

Yours faithfully,

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Thrings LLP