

Comment from David Vigar on revised plans for land south of Trowbridge – Southwick Court Fields – PL/2025/09486

I write as the former Wiltshire Councillor for Trowbridge Grove division, serving from 2021 to 2025. Many residents of Trowbridge Grove use Southwick Court Fields for recreation, walking and exercise and have done so for decades. Many of them have commented or signed petitions on this application or the Outline one that preceded it (PL/20/00379/OUT).

I continue to oppose this application on the basis that I do not believe that the Local Planning Authority should allow the sacrifice of a green space that has very significant value in terms of heritage, amenity and ecology for 180 homes at a time when many other and better options for development are available. The value in which this space is held by local people is shown by the fact that objections to this application and the Outline one that preceded it far outnumber those to the Ashton Park development which has 14 times as many proposed homes.

In terms of planning policy, I believe the proposal should be rejected on the basis of the impact on the heritage asset of Southwick Court and the fields historically associated with it.

I also believe the proposal should be rejected at this stage – or at the very least deferred – on the basis of a lack of assurance that the development will not cause flooding and a lack of certainty that diversion orders will be secured to move the public rights of way that need to be moved to enable the development to go ahead.

Impact on a heritage asset

What is the asset?

In this case, the relevant heritage asset is the Grade II* listed moated medieval manor house of Southwick Court, together with its associated fields. The current house dates from the 16th century with a 15th century gatehouse. It is built on the site of a 13th century building.

The 2018 Heritage Impact Assessment of the Wiltshire Housing Site Allocation Plan noted that this asset had particular value due to the continuing link between the fields and the manor house from which they were historically farmed.

The assessment said: “Where moated and other manorial sites often lose this relationship to their working landscape through the development of larger houses and parkland in later centuries, Southwick provides a relatively rare and valuable illustration of a 16th and 17th century estate centre in its agricultural context.”¹

It also noted that the fields represented a historic water meadow system: “Much of the site lies within an extensive suite of former water meadows , connected to the watercourse to the north by a series of silted-up and/or ploughed-down ‘mains and drains’”.

In other words, this application is not for a development that would be situated close to a historic asset but physically right on top of that asset, given that the asset in this case consists of the fields as well as the house.

This point about the importance of the fields as well as the house was also highlighted by Wiltshire Council’s Principal Conservation Officer in her 2021 objection to the Outline application, which said: “Whilst the earthworks of the water meadows may have become eroded to the point where they are only discernible to the trained eye, the group of assets continue to be set within an appreciable tract of open land, the overall use and character of which remains agricultural. The field boundaries also remain much as they were at the time that the farmstead and water meadows were created in the late C16/17th centuries and they were in common ownership as part of the manor of Southwick. ... Such functional and historic relationships between a designated farmstead and the surrounding agricultural land which forms their setting are generally acknowledged to contribute positively to the significance of the heritage assets – both in allowing them to be appreciated within their historic context and in

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<https://cms.wiltshire.gov.uk/documents/s143827/Heritage%20Impact%20Assessment%20LUC%20March%202018%2015052018%20Cabinet.pdf>

contributing to the understanding of their development and function within the landscape.”

The officer also observed that Historic England guidance on setting noted that “setting has twin roles in contributing to the significance of an asset and in allowing that significance to be appreciated and it is clear that the proposed development site in this case is valuable as part of the setting of the assets in both respects.”

She noted that “the important contribution that a surrounding landholding makes to the understanding and significance of a farmstead in these ways” had been acknowledged in recent appeal decisions at sites such as Barrow Farm, Arms Farm and Shurnhold Farm, where proposed developments were found to have an unacceptable adverse impact on the setting of the assets.

What will be the impact of the development on the heritage asset?

The proposed development will have several impacts on the heritage asset.

- First it requires an access road of around 500 metres from the A361 to the estate, built on the former water meadows to the west of the site.
- Second that road has to cross the Lambrok Stream, requiring a bridge that forms, as Wiltshire Council’s Principal Conservation Officer described it, “a substantial intervention within the landscape.”²
- Third, 180 homes would be built on the eastern part of the site.
- Fourth, the impact of these static structures will be amplified and exacerbated by the movement and noise of the traffic generated by 180 households that are situated at least half a kilometre from a convenience store or primary school and around one kilometre from a supermarket or secondary school.

At the time of the appeal, Wiltshire Council estimated that the development might generate some around 100 vehicle arrivals and departures during each morning and evening peak hour.³ The Outline stage applicants also submitted a

² <https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001lq0vmAAB/conservation-comments>

³ <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014evqKAAQ/2000379out?tabset-8903c=2>

paper by Stantec that concluded that: “trips to all of the facilities and services identified are well within walking or cycling distance from the site and could therefore reasonably be expected to be undertaken on foot or by cycle by the majority of people.” This is wholly unrealistic as the “facilities and services identified” did not include places of work, to which many trips will be made every day. The paper did not address practical realities such as the fact that trips to the nearest convenience store may be undertaken by car when several items are being bought or that residents may not choose to walk with primary age children to the nearest school if the adults are then going on to a place of work.⁴

More up-to-date national and generic figures from the National Travel survey of 2024 estimate that on average 364 car trips are made per person per year.⁵ Assuming 2.3 people per household, that equates to around 150,000 trips per year for a 180-home estate or 413 per day. Parcel deliveries, estimated at 200 parcels per year per household nationally, would add around 36,000 trips per year to a 180-home estate, or a further 100 trips per day.⁶ There is therefore the prospect of more than 500 vehicle trips being made every day along the access road and bridge.

Wiltshire Council’s Principal Conservation Officer also commented on the traffic, saying: “The traffic resultant from 180 houses will involve a substantial number of car movements each day, far in excess of anything that might be expected on an agricultural track or country estate road, and the intrusion into the rural landscape of the incongruous colours, materials, movement, noise and lights from these vehicles will be significant.”

What does national planning policy say about impacts on heritage assets?

The current National Planning Policy Framework (NPPF), published in December 2024, includes the following sections (my italics):

212. When considering the impact of a proposed development on the significance of a designated heritage asset, *great weight should be given to the asset’s conservation* (and the more important the asset, the greater the weight

⁴ <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014evqKAAQ/2000379out?tabset-8903c=2>

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⁶ <https://www.independent.co.uk/news/uk/home-news/cardboard-recycling-uk-amazon-b2171252.html>

should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

214. Where a proposed development will lead to *substantial harm* to (or total loss of significance of) a designated heritage asset, *local planning authorities should refuse consent*, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, *this harm should be weighed against the public benefits* of the proposal including, where appropriate, securing its optimum viable use.

How should the national policy be applied in this case?

My reading of section 212 suggests that “great weight” should be given to the conservation of the asset, irrespective of the degree of harm. As the asset includes the fields, great weight should therefore be attached to the impact of building a road, bridge and 180-home estate on those fields.

This judgement is supported by the fact that the impact of the proposed development on the historic setting of Southwick Court was a major factor in the decision of Wiltshire Council’s Strategic Planning Committee to refuse permission in February 2023.

In the subsequent appeal, the Inspector also gave “considerable importance and weight” to the harm that the planned development would cause to the special interest and significance of Southwick Court and its gatehouse and moat bridge.⁷

⁷ <https://southwickcountrypark.com/wp-content/uploads/2024/04/appeal-decision.pdf>

Turning to whether the harm is “substantial” or not, Wiltshire Council’s Principal Conservation Officer objected to the Outline application saying: “It is my opinion that development across any area of the current site will significantly diminish the agricultural setting of the Southwick Court group of heritage assets, resulting in harm to its understanding and special interest. Taking into account the high status of the assets, I consider that the harm that will be caused should be considered to fall at the higher end of less than substantial harm.”

Inspector Longmuir came to the same judgement: “I find that the harm from the proposal would be 'less than substantial'. However, section 66 of the 1990 Act requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Additionally, Paragraph 205 of the Framework advocates great weight to the asset’s conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below.”

However, the judgement of “less than substantial harm” was based on incomplete information. As the Principal Conservation Officer noted, the submitted plans at Outline stage lacked detail, in particular regarding the road that would bisect the Park Field between the A361 and the Lambrok Stream and the bridge over the stream. She said: “...the harm that will result from the road crossing over Lambrok is unclear as I have not spotted that any information has been provided in respect of this element.”⁸

Some details of the bridge have now been provided in the documents entitled ‘Culvert Section’ and ‘Culvert details x6 Drawings’. The documents show a significant construction, apparently between four and five metres high when the fence is included, more than twice the height of the average person, and roughly equivalent to the height of a bungalow.

One of the plans in the ‘Culvert details x6 Drawings’ document seems to suggest the height of the structure is 3.6m (3647mm), while the ‘Culvert Section’

⁸ <https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001lq0vmAAB/conservation-comments>

illustrations show a rail fence of 1.2m. That creates a structure with a total height of 4.8m.^{9 10}

The structure is complex, involving a road, cycle path and two verges. The materials appear to include the Rootlok vegetated wall system and other vegetation with stone foundations. It is unclear to me as to what material is used for the main part of the structure.

To my eyes these plans also remain incomplete as there is no verbal explanation of the structure and no current plan or illustration of the structure in context.

I believe that the new details are sufficient basis for Wiltshire Conservation Team to look afresh at the application and consider whether it might now cross the threshold for 'substantial harm'.

This contention is informed by the fact that there is no clear and literal definition of what constitutes substantial harm, not any hard criteria for the term. Whether a development causes substantial harm has therefore been a matter for professional judgement among conservation teams and for the courts. And cases have demonstrated that the finding of substantial harm does not require that the asset be completely destroyed, but that its "significance" be seriously damaged.

In the 2013 case of Bedford BC v SSCLG38, the High Court held that in order for harm to designated assets to be considered substantial, "the impact on significance was required to be serious such that very much, if not all, of the significance was drained away... One was looking for impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹¹

In this case, I contend that the road, bridge, estate and traffic together do have such an impact on the field system associated with Southwick Court that its

⁹ <https://development.wiltshire.gov.uk/pr/s/planning-application/a0iQ300000IEhSXIA1/pl202509486?tabset-8903c=2>

¹⁰ <https://development.wiltshire.gov.uk/pr/s/planning-application/a0iQ300000IEhSXIA1/pl202509486?tabset-8903c=2>

¹¹ <https://lichfields.uk/blog/2021/august/2/what-is-substantial-harm-to-a-designated-heritage-asset>

significance as a heritage asset would indeed be “drained away” and “very much reduced” if not “vitiating altogether”.

Such a conclusion is also supported by the government guidance on ‘Enhancing and conserving the historic environment’ which states that: “It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed”¹²

I would therefore ask the Wiltshire Conservation team to consider whether, taken together, the bridge, road and traffic, should now be judged to cause substantial harm to the heritage asset of Southwick Court and its associated fields.

If the team judges that substantial harm would be occasioned by the proposal then I believe that the application should be rejected for that reason in line with Section 214 of the NPPF.

If the team continue to judge that the harm is less than substantial then Section 215 applies and the harm has to be weighed against the public benefits – which I consider under ‘Planning balance’ below.

Drainage

New plans for drainage have been submitted with the Reserved Matters application, including a Drainage Technical Note, Drainage Strategy and Exceedance Plan.

The Drainage Technical Note says that that the approach to flood alleviation proposed at Outline stage proved unworkable as it was unacceptable to Wessex Water, who would not accept flood flows in its system, and Wiltshire Highways, who would not accept a private drainage system in public roads.

The original plan was to discharge flood water from ditches to the north-east under the estate to attenuation ponds at the south. As Wessex Water and Wiltshire Highways would not accept that, the plan is now to convey flood water along the north of the site via swales directly into the Lambrook Stream.

¹² <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

The drainage arrangement for the bridge has also changed from the Outline stage so that two culverts are now situated to the east of the Lambrok Stream rather than one on each side.

These changes have been made to the drainage plans, despite the earlier ones being signed off at Outline stage by Wiltshire Drainage, Wessex Water, Wiltshire Highways and the Environment Agency.

The fact that changes have been necessary suggests that failures took place in the process and flaws were not spotted despite several years of scrutiny. This is extremely serious given the flood prone nature of the site.

The site contains areas designated as flood zones 2 and 3. Local residents see it flooding regularly. As such the alleviation strategy is critical. The number of UK homes at risk of flooding is increasing sharply,¹³ with one in four homes estimated by the government to be at risk of flooding by 2050¹⁴.

Recent years have seen increases in the numbers of developments where residents can neither sell nor insure their homes and have become so-called 'mortgage prisoners'.¹⁵

Councillors considering this application should bear in mind the risk that an application they approve will in a few years' time become just such a place, where residents are physically trapped by flooding and financially trapped by the inability to sell.

And given that plans that have needed to be changed were signed off at Outline stage, implying that statutory consultees overlooked certain points, councillors should be wary of simply accepting the judgements of the consultees and should insist on being presented with a plain English flood risk assessment and flood

¹³ <https://www.aviva.com/newsroom/news-releases/2025/10/uks-iconic-landmarks-at-risk-from-climate-change-by-2050-according-to-new-report/>

¹⁴ <https://www.gov.uk/government/publications/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024>

¹⁵ <https://www.theguardian.com/environment/2026/feb/26/insurance-industry-mortgage-prisoners-climate-crisis-down-to-earth>

alleviation strategy that they can personally understand and that provides them with an assurance that the strategy covers the risks.

I also believe that given the previous issues, the flood-related consultees should hold a meeting to check they are all content with each other's responses and views. And if such a meeting is not held, councillors should ask why this was, when it seems a commonsense way of testing that no significant factor has been overlooked.

As this is so important, councillors should also insist that a proper process is followed in respect of the new drainage plans, in accordance with government guidance.

Currently the documents are available on the web pages relating to the reserved matters application. However, the new drainage strategy cannot be one of the reserved matters as they are: access, appearance, landscaping, layout and scale – none of which cover drainage.

The drainage documents have also been posted as part of a separate application, PL/2026/01153, which has been made to discharge various conditions in the Outline approval. But as the drainage strategy has changed, it cannot be found discharge a condition that was based on an earlier, different and superseded strategy.

The new drainage proposal is neither a reserved matter nor a means of discharging a condition of the Outline permission. It is effectively an application to modify an existing permission. As such the Government guidance on 'Flexible options for planning permissions' applies.¹⁶ It indicates that either:

- A new application is made;
- The applicants seek a 'non-material amendment'; or
- The applicants seek to amend the conditions attached to the permission".¹⁷

¹⁶ <https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

¹⁷ <https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

The applicants have done none of these things and I believe that Wiltshire Council should explain which approach it is requiring to be taken.

I believe that a change to the flood alleviation strategy for a site that contains areas designated as flood zones 2 and 3 cannot be seen as other than substantial and therefore requires a separate new application.

I do not believe that changes to such an important aspect of the application can be regarded as 'non-material'. Otherwise why have they been made?

And were the council to consider instead amending a condition under Section 73 of the Town and Country Planning Act 1990, the relevant condition would be Condition 11 in the decision issued by the Inspector which said: "The development shall be carried out in accordance with the submitted Flood Risk Assessment (July 2022 Addendum 4 To Level 2 Flood Risk Assessment Land South of Trowbridge, Ref. 447/Fra2/Addm4, V1 – 21.07.22 and Appendix 2 Modelling Report including drawings FRA10 – FRA14)."

That condition could be amended to say that the development should be carried out in accordance with the new strategy rather than the previous one. But that original condition was only applied after Wiltshire Drainage, Wessex Water, Wiltshire Highways and the Environment Agency took nearly three years to sign off the flood plan – the plan that has now been superseded.

To provide equivalent assurance of expert approval, Wiltshire Council's Drainage Department (as Local Lead Flood Authority or LLFA) should need to sign off this new strategy before it becomes the focus of a condition, and do so only when it has also been approved by Wessex Water, the Environment Agency and Wiltshire Council's Highways Department.

Rights of way

Wiltshire Council's Rights of Way team have commented on the fact that Public Footpaths SWCK3 and SWCK2 (and possibly a small section of NBRA44) will need to be diverted to accommodate this development.

The team say: “The applicant can apply for the diversions prior to the determination of this planning application (this is to allow for the timescales involved in diverting Public Rights of Way). The applicant would require a confirmed diversion order before work can start on the attenuation basin. If objections to the order were received it could take over two years before the order is determined.”¹⁸

The proposed attenuation basin mentioned lies to the south of the estate and is fundamental to the drainage strategy. The current SWCK2 right of way passes right through the location of the proposed basin and along its length. Without the basin, the drainage plans could not be implemented; and without the drainage plans, the estate could not be built.

It would therefore be unwise to approve this application until the diversion order for SWCK2 is granted. And as the Rights of Way Team state, if there are objections, this could take two years. Were the application to be approved without the order being in place, then as I read the grounds for legal challenges, the Council could be open to a judicial review on the basis of failure to have regard to a material consideration. And were the application to be approved and the order subsequently refused, there might be a further challenge on the basis that the Council as Rights of Way Authority was being prevented from implementing its decision as a result of a decision made by the Council as Local Planning Authority.

Planning balance

As noted above, if the harm to the heritage asset is considered to be less than substantial, then Section 215 of the NPPF applies and “the harm should be weighed against the public benefits of the proposal”.

In my view, the potential public benefits of this application are far less significant than they were at Outline stage and before.

The situation in Trowbridge has changed significantly from when this site was first earmarked for development in the draft Wiltshire Housing Site Allocations Plan (WHSAP) in 2018. At that time, Wiltshire had the required five years’ worth

¹⁸ <https://development.wiltshire.gov.uk/pr/s/web-comment/a07Q300001J2RcDIAV/rights-of-ways-comment>

of housing land supply and the plan was focused on maintaining it so that the Council could control where building took place and avoid the 'tilted balance' in favour of development that applied without such a five year supply.

In the Trowbridge area around 2018-2020, there was particular doubt over the progress of the proposed 2,500 home development at Ashton Park, south-east of the town. In an effort to maintain the housing supply, the WHSAP included several sites that had not been initially included in the 2015 Wiltshire Core Strategy, including Southwick Court Fields. Today, Ashton Park has outline permission and Wiltshire does not have a five year housing land supply or a recent Local Plan. Its draft Local Plan was withdrawn after challenge from examiners in May 2026 and so the prevailing local policies now date from 2015 and as such have limited force when local planning authorities are legally required to review their local plans every five years. This means that all land in Wiltshire outside National Landscapes and Conservation Areas is susceptible to planning applications. The lack of a five year supply means that the 'tilted balance' applies and development proposals are approved *unless* the adverse impacts "significantly and demonstrably" outweigh the benefits when assessed against the NPPF. This opens up many more options for building estates of around 200 homes.

In this case the adverse impacts start with the indisputable impact on the heritage asset of Southwick Court and associated fields. Other potential adverse impacts are still being assessed but include:

- increased flood risk;
- risks identified by the Wiltshire Highways team including a narrow access road where lighting plans are unclear and lack of a clarity over the proposed emergency access from Westmead Crescent;
- risks to biodiversity as outlined in the objection of the ecology team;
- the impact on rights of way that will need to be tested through an application for diversion orders.

As set out above, I believe that the proposal for Southwick Court Fields is one where the multiple adverse impacts do indeed "significantly and demonstrably" outweigh the benefits. This is partly because the benefits – 180 new homes – can be realised in so many more places than they could when the county had a

five year supply and development would largely be confined to the designated sites. Now, as stated above, there are many sites that could be developed without such adverse impacts.

I therefore submit that this application should be refused.