

FAO:

Lucy Rutter-Dowd
Development Services
Wiltshire Council

From:

Bruce Evans
by email.

29 June 2026

Reference:

Retrospective Full Planning Application: PL/2026/01813
Application Address: 45 High Street Pewsey

Dear Lucy,

Thank you for your letter dated 8 June 2026 inviting me to comment on the revised documents in the Application referenced above. I have some additional comments to make about them which highlight several problems with this application. These are made to augment the comments I have previously submitted about this application. As it stands now, this Application should be refused.

1. Contradictory Certificates A & B.

Referring to the revised Application Form, the first contradiction to note is that, despite answering 'No' to the question as to whether the applicant solely owns all the land relevant to the application, the applicant has still completed Certificate A, and legally declares that *nobody except the applicant was the owner of any part of the land to which the application relates*. This declaration is plainly factually incorrect.

The second contradiction to note is that the agent has then attached manual paper sheets for Notice 1 and Certificate B to serve notice on some of the owners of other land that is required for the proposal and which is not owned by the applicant — these being land at 1 Whatley Drive, Grove House and now also on Pewsey Parish Council land, which proves that Certificate A is false.

Certificate A cannot accompany Certificates B on the same application because they make legally contradictory statements to one another. This is an irreconcilable procedural defect

which contravenes Section 65(5) of the Town and Country Planning Act 1990 and Article 14 of the Development Management Procedure (England) Order and which immediately invalidates the application. It would be illegal for the Planning Department to process the application as it now stands.

Further, the applicant has omitted to serve Certificate B on the owners of 2 Whatley Drive, despite the revised Red Line now encompassing the shared driveway and turning area which largely belongs to that property (Land Registry Title WT318312). Vehicular access is impossible without using this land. This omission is a direct contravention of Article 13 of the Development Management Procedure (England) Order 2015.

2. Defective Location Plan (Red Line)

Referring to the Site Plan, the Red Line has now been correctly revised to encompass the primary vehicular access route from Whatley Drive up the shared driveway to the property.

However the Red Line has not been drawn around the pedestrian access route to this property which lies along the Unmade Footpath running south to the High Street.

Under NPPG Paragraph 024, the Red Line must include *all* land necessary to facilitate the proposed development, including that land which provides access to the public highway. The proposal clearly does rely on this footpath as a pedestrian access route for customers, since it has been advertised on Airbnb for the past 10 years saying so to customers, in this way, '*...you have your own magical wooded path that leads to your house.*'

If the applicant intends for guests to use this pedestrian route, the Red Line must be extended and Certificate B served on all affected landowners. If the applicant does not intend for it to be used, then the application is lacking any enforceable mechanism or planning condition to protect the privacy, safety, and residential amenity of the neighbouring properties from commercial foot traffic, failing WCS Policy CP57.

3. Inadequate and insufficient Car Parking space

Referring to both the revised and original Block Plans, which are drawn at a scale of 1:500 at A4.

The 'revised' Parking Area now shows that four car spaces and a turning area are proposed. However by comparing the old Block Plan with the 'revised' Block Plan in an image editing app it is plainly obvious that the car parking area has not increased in overall size at all. It is exactly the same on both. No additional car parking capacity has been added to this application whatsoever.

Also, by measuring it can be seen that each car space on the revised Block Plan has been drawn at just 2m x 4m to create an impression of additional car parking spaces. The Wiltshire Council Local Transport Plan 3 (LTP3) Car Parking Strategy requires each standard car parking space to be 2.4m x 4.8m.

Further, Wiltshire Council's Minimum Parking Standards mandate 3 spaces + 0.2 visitor spaces for the 4-bedroom house, and 1 space + 0.2 visitor spaces for the 1-bedroom Studio Airbnb unit. The visitor spaces cannot be shared as each residential unit requires its own dedicated visitor space. Therefore a minimum of 4 and 2 spaces are required respectively, totaling 6 car parking spaces.

While the physical gravel parking area could take six vehicles tightly crammed together, it cannot accommodate six cars and provide adequate space for them to enter, turn around and leave. Because substandard 2m x 4m spaces have been drawn on the plan, the kind of turning space shown on paper just will not exist in reality when the site is fully occupied and overspill parking from this business is inevitable.

Without a functional turning area, delivery vehicles and commercial guests will be forced to reverse down the narrow access drive onto Whatley Drive, creating a highway safety hazard under WCS Policy CP57.

Referring to the recent comment made by Wiltshire Highways (16 June), it should be noted that the planning condition issued is based on the *assumption* that the original bungalow has four rooms capable of being bedrooms. This assumption is believed to be correct, but it is troubling that a mandatory condition has been issued without first checking that the underlying facts are true.

4. Residential Units Contradiction

Referring once again to the revised Application Form.

To the question, *"Does your proposal include the gain, loss or change of use of residential units?"* the applicant answers 'No'

Yet in the narrative description of the proposal, the applicant has contradicted this 'No' answer by explicitly stating that retrospective approval is being sought for a *"change of use of self contained accommodation... to short-term holiday let studio"*.

It should be noted that besides this *change of use*, an *additional* independent residential unit has certainly been created on the site where there used to be only one. This gain of a

residential unit should have been reflected in the answers to this *retrospective* planning application and it is yet another irregularity with it.

By attempting to regularize a commercial holiday let without declaring a change to a commercial or *Sui Generis* use class, the application misdescribes the true planning nature of the development. It seeks to operate a commercial business under the guise of an ancillary residential outbuilding, which is a material misdescription of the application type.

5. Non-Deliverability of Access and Unacceptable Impact on Residential Amenity

While it is understood that a Local Planning Authority can determine an application involving third-party land, National Planning Practice Guidance dictates that Case Officers must consider the real-world deliverability of a proposal. This application relies on two separate private access routes, both of which face unresolvable operational and legal problems on the ground.

The applicant does not have the support or consent of all the interested parties across these shared routes, and it is clear from the public planning portal that affected neighbours have already objected to the proposal quite forcefully.

Specifically, the pedestrian route via the unmade footpath runs directly through the private garden freehold of Grove House, where the owners explicitly object to their private domestic land being utilised as a commercial thoroughfare for a high-turnover holiday let.

Furthermore, regarding the vehicular shared driveway from Whatley Drive, while the freehold of the driveway belongs to Nos. 1 and 2 Whatley Drive, the use, maintenance, and right of way are legally shared with Grove House via a deed of easement.

With both access routes, the domestic easements shared with neighbours cannot be unilaterally upgraded into commercial access links if they infringe upon the legal rights, quiet enjoyment, and safety of the co-dominant beneficiaries who share these routes.

Consequently, under Wiltshire Core Strategy Policy CP57, the LPA has a statutory duty to protect the residential amenity, privacy, and safety of neighbouring properties. By regularising the unauthorised change of use that has already occurred, the LPA would be actively condoning commercial foot traffic and vehicular friction along private, domestic shared routes where consent is actively withheld by affected users — meaning the layout relies entirely on civil trespass and is legally unenforceable on the ground.

Because this proposal introduces an unmitigatable loss of privacy and residential amenity to immediate neighbours, and relies on access that is evidently undeliverable, the application should be refused.

Conclusion

Operating a second residence at this site for short-term holiday letting is a very difficult proposition as I have previously detailed and do so again. The revisions recently made to this Application make only a token effort at resolving its many planning problems and the Application should be refused.

Yours sincerely

Bruce Evans