STATUTORY DECLARATION OF NEIL BLACKMORE

I, **NEIL BLACKMORE**, of Old Hatts Yard, West End, Foxham, Chippenham, Wiltshire SN15 4NB, Managing Director of Thornbury Surfacing (Chippenham) Ltd ("**Thornbury**") (company registration number 04089532), **DO SOLEMNLY AND SINCERELY DECLARE** as follows:

1. Background

1.1 On 22 August 2023, planning permission was granted on appeal (appeal ref. APP/Y3940/W/23/3314906 in respect of planning ref. PL/2022/01518) (the "**Planning Permission**") for the creation of a new agricultural access together with associated ancillary development and ground works at land north of B4069, Gate Farm, High Street, Sutton Benger SN15 4NW as registered under title no WT219982 (the "**Property**").

1.2 A copy of the Planning Permission is appended at pages 1- 5 of Exhibit "NB1".

2. Instruction to Carry Out Works

2.1 In or around April 2026, I was contacted by Daniel Pickering, Senior Technical Manager of Gleeson Land Limited ("**Gleeson**"), acting in connection with the promotion of the Property. Gleeson instructed Thornbury to carry out development works to the agricultural access pursuant to the Planning Permission.

2.2 I confirmed to Gleeson that Thornbury could undertake the required works and provided Gleeson with Thornbury's quotation dated 23 April 2026, a copy of which is appended at pages 6 – 8 Exhibit "NB1".

2.3 All proposed works were confined to the Property and fell outside the public highway extents, and accordingly were not subject to any approval from the Highways Authority.

3. Setting Out

3.1 The works area was set out by Corner Point Surveys on 27 April 2026, ahead of the construction works being undertaken by Thornbury.

3.2 The setting out involved the placement of stakes, spray paint and other markers to delineate the works area in accordance with drawing no. P25-0894-PEG-XX-XX-SK-C-0010 P2 (the "**Drawing**"). A copy of the Drawing is appended at page 9 of Exhibit "NB1".

4. Carrying Out and Completion of Works

4.1 I confirm that Thornbury commenced and completed the works on 13 May 2026.

4.2 The works comprised the following operations on the site of the agricultural access, within the area shown on the Drawing:

(1) Excavation over the site to a depth of 300mm below the finished level, with all excavated spoils left and stockpiled on site;

(2) Compaction of the bottom of the excavation and application of geotextile matting; and

(3) Reinstatement with 150mm thick type 1 stone sub-base, fully compacted.

4.3 Photographs taken on 13 May 2026 during and upon completion of the works are appended at pages 10 – 21 of Exhibit "NB3".

5. Confirmation

5.1 I confirm that:

(1) the works described above were carried out on the Property for the purpose of implementing the agricultural access approved pursuant to the Planning Permission; and

(2) the works were carried out and completed on 13 May 2026.

DECLARATION

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Signature of declarant.

Declared at [ADDRESS]: Old Matts Yard.
West End Foxham
Chippenham
Wiltshire SN15 4NB

on [DATE]: 2nd July 2026

before me [NAME]: Andrew Charles Langbridge

Signed..... ....."

~~A commissioner for oaths OR~~ A solicitor empowered to administer oaths (as appropriate)

SRA ID 635827

EXHIBIT "NB1"

THIS IS THE EXHIBIT MARKED "NB1" REFERRED TO IN THE STATUTORY DECLARATION OF NEIL BLACKMORE.

Signature of declarant.

Declared at [ADDRESS]: OLD HATTS YARD
WEST END, FOXHAM
CHIPPENHAM
WILTSHIRE SN15 4NB

on [DATE]: 2ND JULY 2026

before me [NAME]: ANDREW CHARLES LANGBRIDGE

Signed.....

~~A commissioner for oaths OR~~ A solicitor empowered to administer oaths (as appropriate)

SRA ID 635827

Appeal Decision

Site visit made on 22 August 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/Y3940/W/23/3314906
Land north of B4069 (E. 394063 N. 178427), Gate Farm, High Street, Sutton Benger SN15 4NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr H. Richardson against the decision of Wiltshire Council.
- The application Ref PL/2022/01518, dated 23 February 2022, was refused by notice dated 14 November 2022.
- The development proposed is creation of new agricultural access together with associated ancillary development and ground works.

Decision

1. The appeal is allowed and planning permission is granted for creation of new agricultural access together with associated ancillary development and ground works at Land north of B4069 (E. 394063 N. 178427), Gate Farm, High Street, Sutton Benger SN15 4NW in accordance with the terms of the application, Ref PL/2022/01518, dated 23 February 2022, subject to conditions in the attached schedule.

Preliminary Matter

2. Topographic survey drawing was received with the appellant's Statement of Case as part of the appeal. The Council states that this information was not provided at the application stage and correctly notes that the appeal process should not be used to evolve a scheme. However, the appellant is entitled to respond to the Council's reasons for refusal in their appeal submissions, which may include the provision of further information, as long as the proposal itself remains essentially the same, which it does in this case. The Council has had the opportunity to comment on the content of the appellant's Statement of Case and has done so. Therefore, I see nothing irregular in terms of process or in the content of the appellant's appeal submissions, and do not consider that any party would be prejudiced by me determining the appeal on the basis of the evidence presented.

Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the area; and on highway safety.

Reasons

Character and appearance

4. The local area is not included within any specific landscape designation. The appeal site lies to the northern side of High Street, to the west side of Sutton

Benger. There are several accesses along the southern side of the road and the site lies within the speed limit signs for the settlement. During my site visit I observed that the road verges tended to comprise well maintained grass including some with embankments. Nonetheless, it has a rural character and appearance.

5. In accordance with Core Policy 51 of the Wiltshire Core Strategy 2015 (the WCS), development is required to conserve and where possible enhance landscape character. Moreover, WCS Core Policy 57 requires, amongst other things, that development is complementary to the locality and contributes positively to the character of Wiltshire.

6. The level of the field is much higher than the level of the road. As a result of the relative topography, the proposed access would be cut into the field. This means that much of the development, despite the width of the proposed entrance, would not be particularly visible in the wider area, including from the road, other than when in close proximity. Furthermore, because the access would be read in the context of the numerous accesses along the road, including existing residential and farm accesses with well-maintained grass verges and embankments, it would not look out of place.

7. Whilst I noticed that, as far as the appeal site is concerned, there was a small group of trees and a short section of hedgerow at the top of the grass embankment along the boundary of the field, there were also sections of open fence. Moreover, the proposal includes replacement planting, thereby, mitigating the loss of the existing vegetation.

8. The submitted plans demonstrate that the appeal scheme would not require retaining structures, with re-profiled earth banks sloping back up to the field level behind the proposed visibility splays. Even though the proposed access would be surfaced with tarmac and would have an engineered form, it would not appear out of keeping in the context of existing accesses. Additionally, the grass embankment either side would provide some screening and soften the appearance of the development.

9. Given the context and scale of the existing accesses together with its relationship with the edge of the settlement, the proposal would not appear as an unacceptable encroachment into the rural setting of the area, nor would it appear out of character in this part of the landscape. As such, the proposed development would not be prominent or harmful to the landscape setting of the appeal site or the wider area.

10. For the reasons given, there would be no harm to the character and appearance of the area. Therefore, there would be no conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy 2015 (the WCS), which together, amongst other things, require a high standard of design and development to conserve and where possible enhance landscape character.

Highway safety

11. The proposed access would be onto the High Street, which is a busy road through Sutton Benger and is numbered B4069. There is a narrow pavement on the northern side of the road, which is unlit and has a speed limit of 30 mph where it passes alongside the appeal site.

12. The appellant owns the land within the appeal site either side of the point of the proposed access onto the B4069. It is proposed that the new access would be cut into the field, with a sloped entrance and re-profiled banks to provide visibility. The proposed drawings show visibility splays of 44 metres in each direction along the road.

13. I observed that the access would be on the inside of a slight bend in the road. There are straight sections of road either side of the proposed access. Core Policies 60 and 61 of the WSC together require that development maintains and improves the local transport network and ensures safe access to the highway network. These policies are consistent with the National Planning Policy Framework 2021 (Framework), where paragraph 110 requires that safe and suitable access can be achieved for all users, and paragraph 111 makes it clear that an unacceptable impact on highway safety may be sufficient ground for refusal of planning permission.

14. It was apparent from my site visit that the likely visibility standard would be obscured to a degree by the existing embankment alongside the road. However, it is evident from the submitted information that visibility in both directions would be achieved through the re-profiling of the embankment allowing the requisite splay dimensions to be achieved. Whilst the Council raised concern regarding vertical visibility along the proposed splays, the removal of vegetation and any other obstructions could be secured through a condition prior to the use of the development. Accordingly, vehicles emerging from the access onto the road would have clear visibility in either direction. I am satisfied that sufficient sight lines would be available to either side of the access and along the B4069.

15. It is noted that there is an existing, alternative access to the farmland to the east of the appeal site. However, it is clear from the submitted evidence that the proposal would support the farm operations and the evidence indicates that the existing access, due to its radii, means that its use by large agricultural vehicles results in such vehicles crossing over onto the opposite side of the carriageway in order to cope with the access. Moreover, the appeal scheme would allow livestock and vehicles to cross straight over the road when being moved from the appellants land to the south to the land on the north side of the road, thereby likely reducing the number of movements along the highway. The parties dispute the extent to which the existing access could be improved. Nonetheless, I am required to determine the appeal on its own merits based upon the existing circumstances.

16. Whilst there are existing farm and residential accesses within the immediate vicinity, they are an established part of the character and appearance of the locality and drivers will be well-used to people exiting driveways in the area. Moreover, I am satisfied that sufficient visibility would be achieved at the proposed access.

17. As a consequence, it would not have an unduly harmful effect on highway safety, even though there would be a number of accesses along the road. It would not conflict with Core Policies 60 and 61 of the WSC, and the provisions in the Framework in relation to promoting sustainable transport.

Other Matters

18. The appeal site is outside and disconnected from the Sutton Benger Conservation Area. The application was not refused for reasons of its likely effect on heritage assets. For the reasons outlined above, the appeal scheme would not harm the character and appearance of the area. Accordingly, it would not harm the significance of this designated heritage asset.

19. The appellant has explained that the associated ancillary development includes the surfacing of the access, drainage, fencing, landscaping and the re-siting of the existing power line pole. An interested party refers to 'NDP Objective 9'. However, no details have been provided and, there is no substantial evidence that this is an adopted part of the development plan. Accordingly, I have afforded this very little weight.

Conditions

20. The Council has not suggested any conditions should the appeal be allowed. As I am proposing conditions not previously suggested, the main parties were consulted on the proposed conditions. The appellant has confirmed they would have no objection to the imposition of these conditions. The Council has not responded by the date set, however, the conditions proposed are those necessary in order that the proposal is acceptable in planning terms.

21. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. In the interests of highway safety, a condition to ensure visibility within the visibility splays is retained is required. To protect the character and appearance of the area, a condition requiring the replacement of trees and hedge planting is necessary.

Conclusion

22. For the reasons given I conclude that the appeal should succeed.

J White

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: /PL05, /PL20 and /PL25.

3) Prior to the first use of the access hereby approved, the visibility splays shown on Drawing No /PL20 shall be provided and thereafter retained as approved.

4) There shall be no structure, earth bank, shrubs, trees or other vegetation exceeding 0.6m metres in height within the sight lines referred to in condition 3.

5) Prior to the first use of the access hereby approved, the vehicular access from the edge of the carriageway to the gate shall be constructed, surfaced, drained and completed in accordance with details shown on Drawing No /PL20.

6) All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first use or completion of the development, whichever is the sooner. All trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

THORNBURY SURFACING (Chippenham) Ltd

Road Construction & Surfacing • Tarmac • Coloured Macadams
Resin Bound Gravels • Block Paving

Quotation

Gleeson Land.
2530 Aztec West,
Almondsbury,
BS32 4AW.

23/04/2026

Quote. NB26437

Dear Sir,

RE: NEW DRIVE CONSTRUCTION AT GATE FARM, SUTTON BENGER.

Further to your enquiry, please find below details of drive construction works as requested.

To excavate over site to a depth of 300mm below the finished level and remove all spoils to tip on site.
To compact bottom of excavation and cover with Geotextile matting.
To reinstate drive with 150mm thick of Type 1 stone sub-base, fully compacted.
Total area of gravel drive 80m^2
For the sum of .

This price is based on one continuous site visit of normal weekday working with good access to all areas for plant and delivery lorries, no restrictions and maximum areas as quoted.

This price does not include for moving any utilities cables or pipes.

This price does not include for any council licences or inspection fees

Prices are nett of all discounts and exclusive of VAT.

Payment terms 30 days.

Please note: The above price is fixed for 30 days and is subject to price increase at any time after the 30 days up to the start of the works.

Acceptance of Quotation -
The above Prices, Specifications and Terms and Conditions (overleaf) are hereby accepted and you are authorised to carry out the work as specified. Payments will be made as outlined above.

X: ..... Date: .....

X: ..... Date: .....
(Please refer to our terms and conditions on the following page)

Your Quotation will be managed by:

By: Neil Blackmore

This contract may be withdrawn if not accepted within 30 days

E-mail – neil@thornburysurfacing.co.uk

Old Hatts Yard • West End • Foxham • Wilts • SN15 4NB
Tel: 01249 813435 • Fax: 01249 813233 • www.thornburysurfacing.co.uk

VAT. No. 771 9394 88 • Registered Office: Old Hatts Yard • West End • Foxham • Wilts • SN15 4NB • Regn. No. 04089532

Thornbury Surfacing (Chippenham) Ltd Terms and Conditions

Definitions
(a) "the company" means Thornbury Surfacing (Chippenham) Ltd.
(b) "the works means the works to be undertaken by the company and specified in the quotation and/or the bill of quantities here to attached.
(c) "the customer" means the person, firm or company to whom the company's quotation and acceptance of order are addressed.

2. Acceptance

(a) The company's quotation will be open for a period of (30 days) from the date hereof and can only be accepted in its entirety. After this period the quotation is then subject to review.
(b) No contract shall be made until the company has accepted any orders arising here in writing or signature of quote. The company's acceptance of any order is subject to satisfactory credit arrangement being made prior to the commencement of the works. The conditions of this quotation shall be deemed to be incorporated into any contract arising from this quotation. Any stipulation or condition which would inflict with or in any way vary, qualify or negate any of the conditions contained herein shall not be binding on the Company unless expressly agreed in writing.

3. Variation on Price

(a) The maximum number and type of visits allowed for are shown on the front of this quotation. Any additional visits will be subject to an extra charge for all additional cost incurred including transportation of labour and plant to and from site, reduction in outputs and other affects relating to the additional visits.
(b) Works have been priced as being undertaken in a five day working week, during the company's normal working day. Any works outside these hours arising either from the actions of the customer or cause beyond the company's control will be subject to an additional charge.
(c) Delays or non-completion of work due to any circumstances beyond the company's control (with the exception of inclement weather) are chargeable. The company will recover from the customer, hourly waiting costs of labour, fuel and plant and/or a one off charge for an aborted visit.
(d) The quotation is based on cost of labour, fuel, transport and materials ruling at the date submitted. The company reserves the right to pass on any subsequent variation in cost to the customer, which may occur up to the date of commencement and/or during the progress of the works.
(e) Maintenance work will not be carried out without charge where, in the company's opinion any preparatory work not performed by the company is:-
i Of a sub-standard nature, or
ii Not of a specification acceptable.
(f) Prices quoted do not include VAT, which will be shown as an additional charge at the appropriate rate ruling at the relevant tax point.

4. Limitations

(a) This quotation is subject to the availability of supplies, materials, plant and labour at the time of execution of the work.
(b) No liability can be accepted for delays or non-execution of the work either in whole or part caused by war, invasion, strikes, lock-outs, civil commotion, riots, frosts, floods, storms, tempests, accident or other circumstances beyond the company's control.
(c) The company has public liability insurance cover amounting to 5'000'000.
(e) No liability can be accepted where the customer has not ensured that the site has been properly prepared in all aspects or where the means of access is inappropriate for the company's plant and machinery.
(f) If this quotation is submitted in accordance with or in response to a specification which has been stipulated by the customer, the company does not warrant or guarantee (express or implied) that such a specification is suitable for conditions that are to be met.

5. Site Requirements

The customer must ensure that:
(a) There is adequate clear access for the use of plant machinery and vehicles up-to 26 tons.

6. Terms of Payment

(a) The settlement terms are for payment against invoice unless otherwise stated, when such variation from these terms will be subject to confirmation.
(b) Interim invoices may be issued by the company which, unless otherwise stated, will be more than 90% of the value of work done and when so issued are immediately due for payment without deduction.
(c) Final invoices, unless otherwise stated are to be based upon a re-measure of work done. Unless otherwise agreed in writing no retentions will be taken.
(d) Retentions become payable upon the termination of the maintenance period. If any, or upon expiry of the three months from the date of issue of the final account, whichever is sooner.
(e) The company reserves the right to charge interest on unpaid accounts both before and after judgement.. This includes partially paid accounts, from which such amounts were due for payment in accordance with these conditions of sale.

7. Conditions Of Insolvency

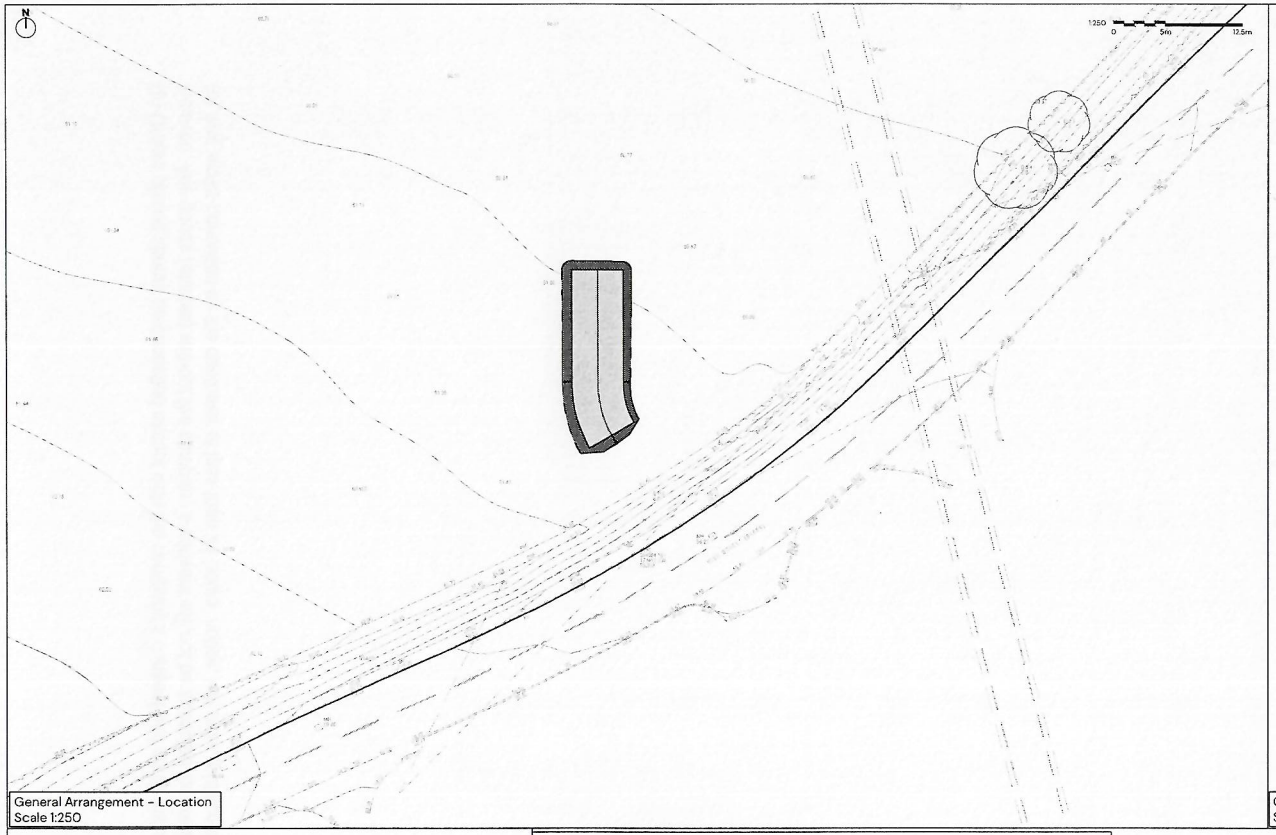
(a) If before the customer makes payment in full the customer becomes insolvent or enters into a scheme of arrangement or composition with creditors or goes into liquidation or there is a receiver appointed the company shall be entitled to exercise all or any of the following rights namely to retain all monies paid by the customer, to stop goods in transit, to remove goods not paid for from the customers premises, to exercise a lien over goods to resell them and reclaim from the customer any further loss arising and to be indemnified by the customer and elect to treat the contract as repudiated or as continuing.

8. Reservation of Title

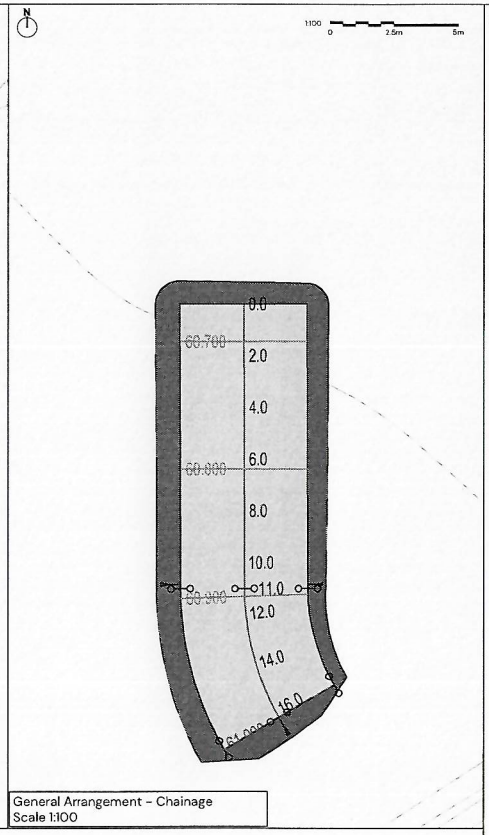
(a) The ownership of the goods the subject of the works shall not pass to the customer until the customer has paid the company all sums due to the company in respect of the goods and services comprised in the works.
(b) While any goods still in the ownership of the company remain upon the customers premises or the premises any agent or associate of the customer the company shall have the right to enter upon the premises to remove all goods for which payment in full has not been received by the company.

9. Cancellation

(a) Orders placed cannot be cancelled except with the company's consent and on terms which will indemnify the company against loss of expenses incurred. Any goods returned without the company's consent will not be accepted for credit.
(b) Any works cancelled by the customer at less than 24 hours' notice, will incur a cancellation charge equivalent to the plant and labour charge for that day.



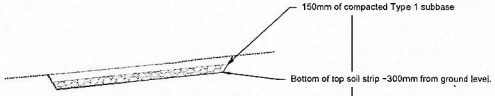
General Arrangement - Location
Scale 1:250



General Arrangement - Chainage
Scale 1:100

Temporary construction Long Section

Vertical Exaggeration: 5



1:250
0
5m
12.5m

Datum: 60.000M AOD									
LEVELS ON LEFT HAND CHANNEL (m)	60.670			60.873			61.000		
LEVELS ON RIGHT HAND CHANNEL (m)	60.670			60.873			61.000		
VERTICAL DESIGN ON CARRIAGEWAY CENTRELINE				GRADIENT 2.0% (1 in 49) LENGTH = 16.253m					
EXISTING LEVELS (m)	60.670			61.155			61.306		
PROPOSED CHAINAGE (m)	0.000	2.000	4.000		6.000	8.000	9.848	10.000	11.016	12.000	14.000	16.000	16.253
PROPOSED LEVELS (m)	60.670	60.670	60.670		61.155	61.155	61.306	61.306	61.306	61.306	61.306	61.306	61.306

Long Section
Scale 1:250

Chainage (m)	Easting (m)	Northing (m)	Level (m)	Left Channel Easting (m)	Left Channel Northing (m)	Left Channel Level (m)	Right Channel Easting (m)	Right Channel Northing (m)	Right Channel Level (m)
0.000	394061.061	178439.117	60.670	394063.561	178439.125	60.670	394058.561	178439.109	60.670
2.000	394061.067	178437.117	60.711	394063.567	178437.125	60.711	394058.567	178437.109	60.711
4.000	394061.074	178435.117	60.752	394063.574	178435.125	60.752	394058.574	178435.109	60.752
6.000	394061.080	178433.117	60.792	394063.580	178433.125	60.792	394058.580	178433.109	60.792
8.000	394061.086	178431.117	60.833	394063.586	178431.125	60.833	394058.586	178431.109	60.833
9.848	394061.092	178429.270	60.870	394063.592	178429.280	60.870	394058.592	178429.259	60.870
10.000	394061.093	178429.117	60.873	394063.593	178429.126	60.873	394058.593	178429.107	60.873
11.016	394061.097	178428.102	60.894	394063.597	178428.136	60.893	394058.597	178428.068	60.894
12.000	394061.150	178427.119	60.914	394063.635	178427.390	60.914	394058.664	178426.848	60.914
14.000	394061.551	178425.183	60.955	394063.941	178425.899	60.955	394059.152	178424.428	60.954
16.000	394062.334	178423.327	60.995	394064.519	178424.542	60.995	394060.150	178422.111	60.995
16.253	394062.459	178423.106	61.000	394062.538	178423.152	61.000	394060.293	178421.858	61.000

Setting Out Points
NTS

Notes

1. All Intellectual Property Rights (including but not limited to copyright) subsisting in or arising out of this drawing and the building works depicted are owned by Pegasus Planning Group Ltd (Pegasus Group) and may not be copied, adapted, disseminated, redistributed, reproduced and/or otherwise used without a written licence. Pegasus Group accepts no liability for any use of this drawing other than for its original purpose and by the original client except in circumstances where approval for use has been supplied by Pegasus Group in writing. All contractors are required to check and verify all building and site dimensions, levels, utilities, and sewer invert at connection points and all discrepancies are to be reported to the Architect/Engineer. The drawing must be read in conjunction with and checked against relevant structural or other specialist drawings. Use only written dimensions - DO NOT SCALE DRAWINGS. Copyright © Pegasus Planning Group Limited [2025]. Use of this drawing is subject to the Terms & Conditions available @ pegasusgroup.co.uk.
2. Drawing based on topographical survey provided by Corner Point Surveys in May 2025. Pegasus Group do not accept liability for the accuracy of these drawings.
3. Setting out information is based on drawing 'Proposed Access Plan' by Halzac Design Ltd in February 2022. Pegasus Group have been instructed to produce this drawing to provide setting out information for part of access works only. No design work has been commissioned or undertaken and this drawing should be read accordingly.
4. 300mm topsoil strip to existing ground levels to be undertaken. 150mm of compacted type1 sub-base to be installed. Sub-base formation level to sit at bottom of top soil strip.
5. All levels are in metres OAD unless stated otherwise.

Key:

- Temporary Construction Centreline
- Existing ground level
- Earthworks construction (1:3 gradient)
- Area for top soil strip and aggregate
- Contours - 0.1m steps
- Contours - 0.5m steps

REV	DATE	DESCRIPTION	BY/CHKD	APPROVED
P2	26.03.2026	Updated following client comments	SB/HYC	HYC
P1	06.03.2026	First Issue	LB/HYC	HYC

Temporary Construction Setting Out

Gate Farm
Sutton Benger

CLIENT:
Gleeson

DATE:	SCALE:	DRAWN BY:	CHECKED BY:	APPROVED BY:
13.03.2026	As Shown @A1	SB	HYC	HYC

DRAWING NUMBER: P25-0894-PEG-XX-XX-SK-C-0010-P2
PG OFFICE / TEAM: BRS / INF

PEGASUS REF No: P25-0894
DRAWING STATUS: SO

PEGASUS GROUP

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DYNAMIC
RACING










U48-4




THORNBURY
SURFACING


THORNBURY
SURFACING

