

**OLD BANK CHAMBERS
LONDON ROAD
CROWBOROUGH
TN6 2TT**

Telephone: 01892 610408
www.asplanning.co.uk

8th September 2026

Wiltshire District Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Our reference: A20105

Dear Ms Clark

**NOTICE OF INTENDED COMMENCEMENT OF DEVELOPMENT PLANNING PERMISSION
REFERENCE PL/2025/02398
PLOUGH LANE CARAVAN SITE, PLOUGH LANE, KINGTON LANGLEY, SN15 5PS**

On behalf of our client Trimmager Ltd in relation to the above planning permission, which was granted on 12/12/2025 and is due to expire on the 15/09/2026.

We write to formally notify the Council that our client intends to commence the development authorised by the planning permission prior to its expiry.

We recognise that the permission is subject to a number of pre-commencement conditions, including conditions 5 (landscape management plan), 11 (refuse and recycling enclosure materials) 12 (discharge of surface water), 13 (disposal of sewerage). An application has been submitted to Wiltshire Council to discharge these conditions and was received as valid on the 12/06/2026 under application reference PL/2026/03277. Notably, the application was made prior to the expiry of the permission.

The submitted details particularly drainage have been the subject of ongoing discussions with the Council. Our client has engaged constructively with the drainage team's consultee responses and remains committed to addressing the outstanding matters and securing the Council's approval of the submitted details. However, given the limited period remaining before the expiry of the planning

permission, it is now apparent that the outstanding matters are unlikely to be formally determined before the permission expires.

Our client is therefore placed in the difficult position of having submitted the necessary information in good time but being unable to secure formal discharge of the conditions before the statutory expiry date due to the ongoing determination process.

In these circumstances, we consider that the relevant case law concerning commencement of development and pre-commencement conditions is of particular importance.

We acknowledge the general principle arising from *FR Whitley & Sons Ltd v Secretary of State for Wales* [1992] commonly referred to as the 'Whitley principle'. In broad terms, where a planning permission is subject to a condition which prevents development from commencing until a specified requirement has been satisfied, operations undertaken in breach of that condition will generally not constitute the commencement of the development authorised by the permission.

However, the Courts have recognised exceptions to that general principle where the circumstances justify treating works undertaken before formal approval as a valid commencement. Of particular relevance is the decision of the High Court in *Zipporah Lisle- Mainwaring v Royal Borough of Kensington and Chelsea and Claire James* [2024]. The judgement considered the position where an application for approval required by a planning condition had been submitted before the expiry of the permission but remained undetermined when the permission expired.

The judgement confirms, at paragraph 44 that the general principle applicable to applications for planning permission and reserved matters, namely that, once a valid application has been made, the local planning authority has a continuing duty to determine it also applies to applications for approval required under a planning condition. The judgement further concludes that the fact that such an application is determined after the expiry of the planning permission is not, of itself a reason to disapply that principle. This is consistent with the established exception identified in the case law for the 'Whitley principle', namely that where approval has been applied for before the relevant deadline and is subsequently granted, works undertaken before the deadline and in accordance with the scheme ultimately approved may amount to a valid commencement of the development notwithstanding that the approval itself was issued after the deadline.

In the circumstances our client therefore intends to prior to expiry to undertake a limited material operation forming part of the development. The works proposed will include the formation of the base of a caravan authorised by the planning permission. Our client does not intend to undertake works which would prejudice the eventual implementation of the drainage strategy or landscape management plan currently being considered by the Council.

Our client will continue to engage with the Council in relation to the outstanding condition discharge application.

We would therefore be grateful if the council could confirm receipt of this letter. We would also welcome any comments the Council may have regarding the proposed commencement works.

Yours sincerely



Shannon Fenlon
MSc MRTPI
sfenlon@asplanning.co.uk