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Date: 4th September 2026
Your reference: 6012122
LPAs reference: PL/2026/01565
Our reference: GM-4926

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Dear Sir / Madam,

Appeal by: **Wild Capital 1 Ltd**

Site Address: **Hospital Of St John, Newtown, Heytesbury, BA12 0HW**

Development Description: **Please refer to the supporting cover letter that explains why the proposed works constitute a lawful exercise of the aforementioned permission.**

This Rebuttal Statement is submitted on behalf of the appellant, Wild Capital 1 Ltd, in response to the Statement of Case submitted by Wiltshire Council ("*the Council*") dated 24 August 2026 ("*the Council's SoC*") in connection with the above appeal.

The appellant's full case is set out in the Statement of Case submitted at the outset of this appeal (June 2026, Version 2) and is not repeated in full here. This rebuttal statement responds specifically to the matters raised in the Council's SoC and should be read alongside, and as supplementing, the appellant's original Statement of Case. In summary, the appellant's position remains, as set out in its original Statement of Case, that the proposed replacement of the Package Treatment Plant ("PTP") falls within the scope of development authorised by the extant and implemented planning permission ref. W/04/02439/FUL, and that the Council's refusal of application ref. PL/2026/01565 was not well founded. Having considered the Council's SoC, the appellant notes that the Council has, in substance, reformulated the basis of its objection, and this Rebuttal Statement addresses that reformulated case directly.

The Council's SoC does not repeat its original reason for refusal in the terms in which it was issued. The decision notice objected that the works required "*fresh engineering operations*" amounting to development under section 55. The Council's SoC instead advances a different proposition at paragraph 6.2: that permission ref. W/04/02439/FUL authorised "*a specific act of development*" which, once carried out, does not provide "*an ongoing or rolling entitlement*" to further replacement. The engineering-works point (SoC paragraph 6.3) does not assist the Council in any event: any

replacement of the PTP will require excavation and installation, and that was equally true of the works lawfully carried out under the same permission in 2005. The Council's SoC confirms its case "*does not depend upon any particular threshold of dimensional, technical or design change*" – in other words, the objection now rests entirely on the sequential argument, not on any material difference in the works themselves.

As to that consequential argument, the Council accepts (SoC paragraph 6.5) that the lawful scope of the permission "*is informed primarily by the description of development.*" The appellant agrees, and that description – "*Replacement of existing underground sewage treatment plant*" – contains no words confining it to a single exercise. Had the Council intended the permission to authorise only the specific unit installed in 2005, they could have imposed a condition to that effect; they did not. The appellant does not accept that such a restriction can properly be read into the permission after the event, particularly given the Council's own acceptance that the description is the primary determinant of scope.

The appellant notes the comments at paragraph 7.5 and wishes to clarify the appellant does not rely on the officers' informal comments and accepts they cannot bind the Council's statutory function; they are noted only as confirming the Council's own contemporaneous understanding that no plans condition applies.

The appellant maintains the burden has been discharged on the balance of probabilities, for the reasons above and in the original Statement of Case and agrees no separate planning balance arises on a section 192 appeal.

For the avoidance of doubt, the appellant has no objection to any certificate identifying the plans and documents to which it relates.

The Inspector is respectfully to consider the above comments and to allow the appeal.

Yours sincerely,

A handwritten signature in black ink that reads 'Miss Clare Bolton'.

Clare Bolton BSc
Senior Planner