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Our ref: PR002670
18 September 2026

Sent via e-mail

Application under Section 192 of the Town and Country Planning Act 1990
Certificate of Lawfulness for Proposed Development
Land at Zone D, Grovelands, Warminster
Reserved Matters Permission PL/2023/00956

Dear Sir/Madam,

We act on behalf of Wain Homes (Severn Valley) Limited in submitting an application for a Certificate of Lawfulness for Proposed Development pursuant to Section 192 of the Town and Country Planning Act 1990.

The purpose of this application is to obtain formal confirmation that, if carried out in accordance with the submitted drawings and after compliance with all applicable commencement requirements, the proposed works would constitute a lawful material operation comprised in the development authorised by outline planning permission 19/07198/VAR and reserved matters approval PL/2023/00956.

The Planning Permission

The reserved matters approval was granted on 18 October 2024 under reference PL/2023/00956, pursuant to outline planning permission 19/07198/VAR, for:

"Reserved matters application pursuant to 19/07198/VAR relating to appearance, landscaping and scale in respect of Zone D, seeking approval for the construction of 39 retirement bungalows/chalet bungalows (Class C3) with associated access roads, parking and infrastructure."

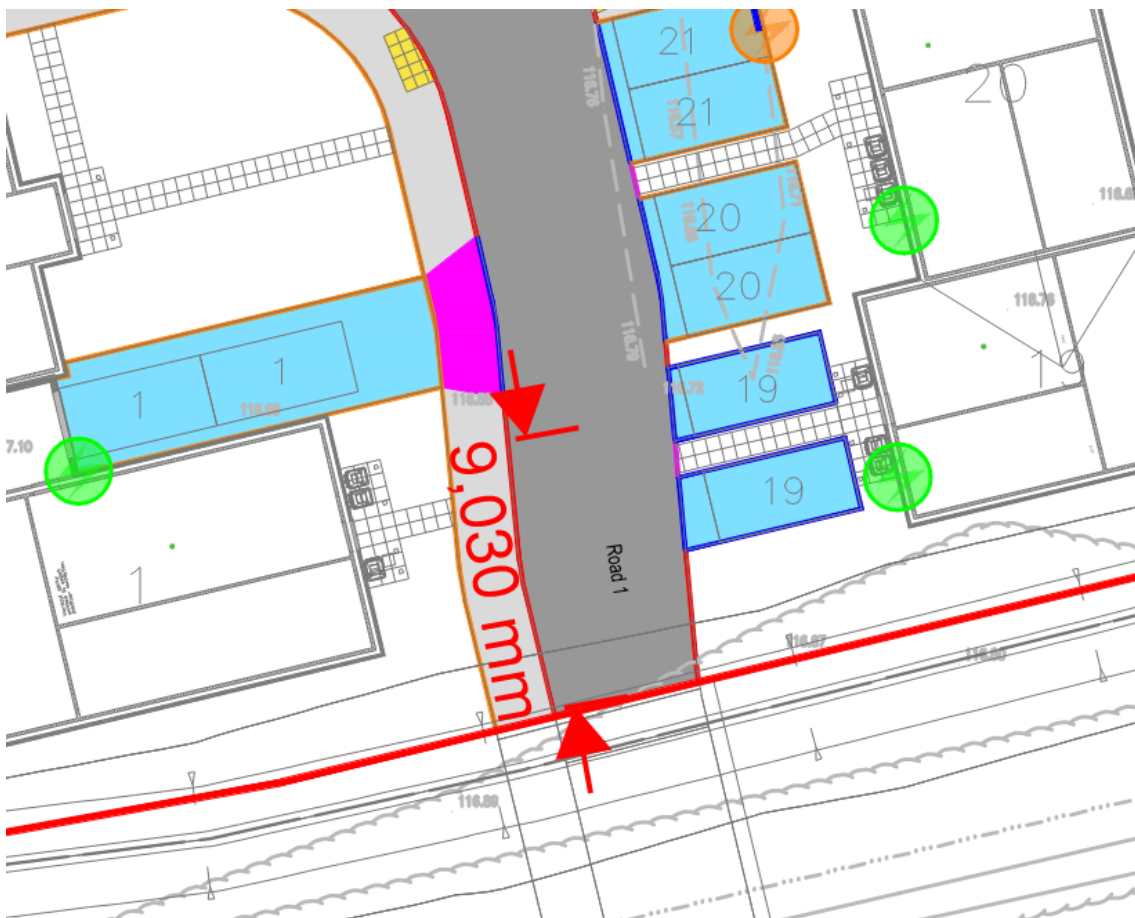
The approved documents relevant to the proposed works include layout drawing 5010 Rev H and the associated approved engineering drawings. The applicant relies on those documents as showing the estate-road infrastructure of which the proposed works form part.

Proposed Development

The proposed development comprises the construction of approximately 9.03 metres of estate road beyond the current termination point of Road 1 and into Parcel D, as shown on drawing SV011-SK01, titled “Extension of Road into Parcel D”.

The application seeks confirmation that these works are comprised in the approved development and would amount to a material operation for the purposes of section 56 of the Town and Country Planning Act 1990. The extent of the kerb line to be constructed is shown in the plan extract below.

Figure 1: extract of Sv011-SK01



The proposed works comprise:

- Extension of the approved carriageway by approximately 9.03 metres;
- Installation of highway kerbing;
- Formation of a part of permanent section of estate road connected directly to the approved internal highway network; and
- Associated engineering operations necessary to complete the road construction.

The proposed works form part of the approved access road infrastructure serving the residential development approved under Reserved Matters permission PL/2023/00956 for 39 retirement bungalows/chalet bungalows with associated access roads, parking and infrastructure.

The proposed road extension is directly connected to Road 1 shown on the approved layout plan and forms part of the permanent highway network serving the approved development. It extends beyond the current termination point of Road 1 and into Parcel D, within the approved development area.

Figure 2: Photograph of constructed access road to be further extended into site



Figure 1: Extract of Sv011-SK01

The proposed works are permanent in nature and will remain as part of the estate road layout approved under the Reserved Matters consent. The development is being undertaken pursuant to the approved planning permission and associated engineering drawings.

Material Operation

Section 56(4) of the Town and Country Planning Act 1990 provides that development is taken to be begun on the earliest date on which a material operation comprised in the development begins to be carried out. The statutory definition includes any operation in the course of laying out or constructing a road or part of a road.

The proposed construction of approximately 9.03 metres of estate road constitutes a permanent engineering operation and forms an integral part of the approved development. The operation physically extends the approved highway infrastructure into Parcel D and is directly associated with implementation of the consented residential scheme.

The proposed works are substantially more than preparatory or temporary works. They result in the creation of permanent highway infrastructure which forms part of the approved access network serving the development and are therefore capable of constituting a material operation for the purposes of Section 56 of the Town and Country Planning Act 1990.

The proposed road extension is physically integrated with Road 1 shown on the reserved matters layout and forms part of the approved access and circulation infrastructure for the development. The works are therefore comprised in, and proposed to be carried out pursuant to, the approved development.

Compliance with Planning Requirements

The proposed works will be undertaken pursuant to the Reserved Matters permission and associated outline planning permission.

Before the proposed works are commenced, the applicant will ensure that every condition and planning obligation which is a legal prerequisite to commencement of the development, and which applies to the proposed operation, has been satisfied or otherwise complied with.

The applicant has undertaken a review of the Reserved Matters permission and the parent outline consent and is satisfied that the proposed road extension can be undertaken in accordance with the approved planning framework.

Condition 2 of reserved matters approval PL/2023/00956 requires the development to be carried out in accordance with the approved plans and documents. The applicant relies on the approved layout and engineering drawings identified with this application as showing that the proposed road extension forms part of the approved access-road infrastructure.

The reserved matters approval includes a water-efficiency condition requiring submission of a water-efficiency report within three months of the dwellings being completed and brought into use. That condition is not expressed as a pre-commencement requirement and does not prevent commencement of the proposed road works.

The Reserved Matters decision notice also confirms that the development should be read in conjunction with the Unilateral Undertaking entered into by Wain Homes (Severn Valley) Limited to secure phosphate mitigation and draws attention to the conditions attached to the outline planning permission.

The application proceeds on the basis that the proposed works will only be undertaken once any pre-commencement requirements arising from the outline planning permission and associated planning obligations which are relevant to commencement have been complied with. Accordingly, the proposed road construction will be undertaken lawfully and pursuant to the planning permission.

In particular, the applicant confirms that the proposed works will be carried out in accordance with the approved planning permission, the approved drawings and all relevant planning obligations. The works are therefore capable of constituting a lawful material operation for the purposes of Section 56 of the Town and Country Planning Act 1990.

The application is accompanied by a schedule identifying each condition and planning obligation relevant to commencement, its current status, and the evidence demonstrating compliance. The Council is invited to determine the application on the basis of that evidence and the proposed works shown on drawing SV011-SK01.

Pre-application Officer Advice

The application follows advice provided by Ruairidh O'Donoghue, Principal Planning Officer at Wiltshire Council, who confirmed that works constituting a material operation may include:

"the construction of access roads or other permanent engineering works directly associated with the approved development."

Ruaridh O'Donoghue further advised that a Certificate of Lawfulness for Proposed Use or Development application would be an appropriate mechanism for obtaining formal confirmation from the Council.

A Certificate of Lawfulness of Existing Development will also be submitted to establish that the works have taken place before the key date,

Conclusion

The proposed development comprises the construction of a permanent 9.03 metre extension of Road 1 into Parcel D, together with associated kerbing and road construction works. The works form part of the approved infrastructure for the consented development and constitute a permanent engineering operation undertaken pursuant to Reserved Matters permission PL/2023/00956.

The proposed works are integral to the approved development, are permanent in nature and constitute a genuine implementation of the approved planning permission.

Accordingly, it is respectfully requested that Wiltshire Council issue a Certificate of Lawfulness for Proposed Development confirming that the proposed works would constitute lawful commencement of development for the purposes of Section 56 of the Town and Country Planning Act 1990.

Yours faithfully,

Kit Stokes MRTPI
Director