

Application for an Award of Costs

Paragraph: 028 (Reference ID: 16-028-20140306) of the NPPG states “All parties are expected to behave reasonably to support an efficient and timely process, for example in providing all the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs”.

Paragraph: 050 (Reference ID: 16-047-20140306) of the NPPG lists examples of behaviour may give rise to a procedural award of costs against a local planning authority. This includes “preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations”.

In this instance the Council has quite clearly misinterpreted the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In doing so it has wrongly concluded that the proposals, which benefit from the deemed planning permission granted under the Order, require planning permission. This has prevented the appellant from implementing the scheme.

The prior notification subject to this appeal followed an earlier identical submission refused for the same reasons. Rather than appeal the first decision, the appellant gave the local planning authority the opportunity to correct its error by resubmitting with a covering letter setting out precisely why the proposals comply with the requirements of the GPDO. The letter is attached at Appendix 1.

During the application process the Council’s Planning Officers stated their intention to refuse the application for the same reasons as before. It was pointed out to them that the previous decision was an error, supported by an extract from an appeal decision corroborating the appellants case, as well as quoting two similar prior notifications for lagoons exceeding 1,500m² which were both approved by the local planning authority in July 2026. The email correspondence with the local planning authority is attached at Appendix 2.

On that basis the local planning authority has acted unreasonably and delayed development that should clearly have been allowed to go ahead. A full award of costs is therefore sought.



27th August 2026

Our Ref: 2935/27/08/2026

Development Management

Wiltshire Council

By email

developmentmanagement@wiltshire.gov.uk

Dear Sir/Madam,

Proposed Excavation to Form Earthbank Slurry and Irrigation Store for the Dairy Herd and Arable Crops, Little Langford Farm, Little Langford, Salisbury

Please find attached a prior notification relating to the above proposals submitted under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This application follows an identical submission (LPA reference PL/2026/04118) which was refused on 27th July 2026 on the following grounds:-

- The proposed development fails to comply with criterion (e) of Class A.1 of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed slurry lagoon would have a footprint of approximately 2,800 square metres, with the application form stating that the total area of the proposed works is approximately 6,100 square metres. The Local Planning Authority considers that the proposal comprises substantial engineering operations involving excavation together with associated works extending well beyond the size limitations set out in this criterion, which restrict the scale of development that may benefit from permitted development rights. Whether assessed under criterion (e)(i) as works arising from engineering operations, or under criterion (e)(ii) as the creation of a building, the proposal far exceeds the relevant 1,000/1,500 square metre size*

limitations prescribed by Class A. The development therefore fails to meet all the permitted development criteria set out in of Class A of Part 6 of Schedule 2 of the GPDO and planning permission is required.

2. *The proposed development, by virtue of its siting, design, size and appearance would constitute major development which has potential to significantly impact the character, setting and visual amenities of the area, which is situated in a National Landscape. The siting, design and appearance of the proposals therefore need detailed approval in line with Condition A.2, criterion 2 (i) of Class A of Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO).*

The ground area limits specified within Paragraph A.1 of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are as follows:-

- (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or
- (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres.

The proposed development is an excavation to form a slurry and irrigation lagoon. It does not constitute works or a structure for accommodating livestock, and although an engineering operation is involved, no plant or machinery arises from it. The proposals do not involve the erection or extension of a building. It is therefore clear that the 1,000 square metre ground area limit is not applicable in this instance.

It is also clear that the proposals do not constitute a building, since Paragraph D.1 of Schedule 2, Part 6 of the above order makes it clear that for the purposes of Classes A to C the term “building” does not include anything resulting from engineering operations.

It follows that the proposals constitute permitted development.

A similar excavation with an area of greater than 1000m² was considered by the local planning authority at Upper Farm, Cherhill (LPA reference PL/2025/02073). It was determined that prior approval was not required in that instance.

This notification discharges the applicant's requirements under Condition A.2, criterion 2 (i) of Class A of Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such the second reason for refusal is addressed.

I would therefore request that this prior notification be processed accordingly in order to avoid protracted appeal proceedings and an associated application for an award of costs.

Yours faithfully



Jon Imber MRTPI

Jon Imber

From: Jon Imber
Sent: 23 September 2026 12:37
To: Houldsworth, Amy
Subject: FW: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Hi Amy,

I've also found two similar applications for lagoons larger than 1000m2 recently approved by the Council...

https://development.wiltshire.gov.uk/pr3/s/planning-application/a0iQ300000MC4w1IAD/pl202603692?c_r=Arcus_BE_Public_Register&tabset-72eec=2

https://development.wiltshire.gov.uk/pr3/s/planning-application/a0iQ300000LhZ9rIAF/pl202603221?c_r=Arcus_BE_Public_Register&tabset-72eec=2

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107
[REDACTED]

Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



Registered Office: 14A Market Place, Uttoxeter, Staffordshire, ST14 8HP
Registered in England No. 10123332

This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Jon Imber
Sent: 23 September 2026 11:57
To: Houldsworth, Amy <amy.houldsworth@wiltshire.gov.uk>
Subject: FW: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Hi Amy,

Further to my email this morning, I've found an appeal decision (relating to a track rather than an excavation but still an engineering operation) that backs up our case. Ive pasted the relevant extract below:-

Reasons

Whether the proposal would be Permitted Development

7. The limitations set out in A.1.(e) state development is not permitted by Class A if the ground area which would be covered by (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a).
8. Paragraph D.1(2)(a) defines 'ground area' as that which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development.
9. The works or structure referred to in A.1.(e)(i) explicitly refer to accommodating livestock or any plant or machinery. The purpose of the private way would not be to accommodate livestock, plant or machinery. It would be to provide access to the buildings and yard. Notwithstanding the appeal decision¹ put to me by the Council, as there is no direct reference in the GPDO to the 1000 sqm limit applying to a private way/access track, then I do not consider it would be captured within the restrictions set out under A.1.(e)(i). The private way would in any event require prior approval under the terms of A.2.(2)(b) where there is no reference to any restriction on its size.
10. For the above reasons, the proposal would be permitted development with regard to the limitations set out in A.1.(e)(i).

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107
[REDACTED]

Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



Registered Office: 14A Market Place, Uttoxeter, Staffordshire, ST14 8HP
Registered in England No. 10123332

This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Jon Imber
Sent: 23 September 2026 10:31
To: 'Houldsworth, Amy' <Amy.Houldsworth@wiltshire.gov.uk>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Thanks Amy,

The rules are clear on this:-

Development is not permitted by Class A if...

(e)the ground area which would be covered by—

*(i)any works or structure (other than a fence) for accommodating livestock **or any plant or machinery** arising from engineering operations would exceed 1,000 square metres*

In other words the 1,000m² limit in e(i) applies only to works or structures (other than fences) for accommodating livestock, or any plant or machinery which arises from engineering operations. It does not apply to engineering operations which do not constitute plant or machinery.

The development does not accommodate livestock and does not constitute plant or machinery and as such the 1,000m² limit is not applicable here. There is no other limit on excavations, which is borne out by the fact that Condition A.2(c) does not even require prior notification for the first 0.5ha of excavations/deposits on the unit.

The 1,500m² limit in e(ii) only applies to buildings and as we have established in this context 'building' does not include anything arising from engineering operations (see Paragraph D.1(1)), so that's not applicable here either.

I don't want to have to take this to a costs claim and am happy to discuss.

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107

Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



Registered Office: 14A Market Place, Uttoxeter, Staffordshire, ST14 8HP
Registered in England No. 10123332

This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>

Sent: 23 September 2026 10:09

To: Jon Imber <Jon@jmiplanning.com>

Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Good morning,

Thank you for your email and for setting out your continued insistence that the council has misinterpreted the provisions of criterion (e) but having reassessed the application I am afraid that I concur with the

previous interpretation and thus the application is heading for refusal on the same two grounds as the previous decision.

The proposed excavation works arise from engineering operations which far exceed the 1,000 sqm allowance set out in (e)(i); and whilst the council is not suggesting it is a building, it acknowledges that an argument could be made that the structure is a building as it has sides and a bottom but if it were so construed, the works would still exceed the even more generous 1,500sqm allowances of (e)(ii) too. Your interpretation would suggest that there is no restriction or size limit on the amount of excavation that can take place on farmland/countryside which the Council simply does not agree to be the case. Criterion (e)(i) catches all other works other than a building (which is covered by criterion (e)(ii)) and whilst it allows for some such works it reasonably provides a very generous size limitation for such works. Your proposals involve between 2,800 and 6,100sqm of excavation/engineering works which far exceeds these allowances. The council therefore stands by its interpretation that the proposals fail the very generous allowances of criterion (e) and are not therefore permitted development.

In any event, the council also considers that the siting and design of the proposed structure will require approval and thus the previous second reason for refusal also still stands.

The council therefore does not agree with your interpretation and will continue to refuse the application on the two grounds. A decision will be issued later today. It is therefore suggested that you apply for full planning permission for the works so that they can be considered accordingly. However, we are also aware that you have a right of appeal and the council will robustly defend this decision should you choose to appeal it.

Kind regards

Amy

From: Jon Imber <Jon@jmiplanning.com>

Sent: 23 September 2026 09:38

To: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>

Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Morning Amy,

Can I ask on what grounds you would be minded to refuse please? Last time the case officer took the view that Part 6 restricts engineering operations to an area no greater than 1,000m². We have shown that this is only the case where plant or machinery arises from the engineering operations, which is not the case here.

The case officer also took the view that in any event the lagoon constitutes a building. However, as we have set out Part 6 specifically excludes anything arising from engineering operations from the definition of a building.

The previous decision was based on misinterpretation, and this application was submitted as a chance for the LPA to resolve its error and avoid an appeal and associated costs application. I am keen to avoid that route and would appreciate the chance to discuss your reasoning before the decision is issued please.

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107


Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



Registered Office: 14A Market Place, Uttoxeter, Staffordshire, ST14 8HP
Registered in England No. 10123332

This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>
Sent: 22 September 2026 17:23
To: Jon Imber <Jon@jmiplanning.com>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Thanks Jon,

I note the points raised within the covering letter. However, I have discussed the application and the history with a senior officer and officers concur with the conclusion made by the previous officer. Therefore, I will be proceeding with refusing the application.

Kind regards

Amy

From: Jon Imber <Jon@jmiplanning.com>
Sent: 22 September 2026 12:36
To: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Hi Amy,
Thanks for your email. The proposals are identical.
The application has been resubmitted because the previous case officer misinterpreted the provisions of the GPDO (as set out in the covering letter which accompanied the submission, attached for reference).
We've resubmitted because it's quicker than appealing, but if we do have to go down that route then we will, and will be applying for a full award of costs.

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107

Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>
Sent: 22 September 2026 11:38
To: Jon Imber <Jon@jmiplanning.com>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Thanks Jon,

So, I've been checking the mapping system and history for the site, and I note that planning reference PL/2026/04118 (Prior notification) was recently refused. Are you able to confirm to me what the difference is between the current submission and that refused, as they appear similar to me and obviously, I would therefore be refused to refuse the current application for the same reasons.

Many Thanks

Amy

From: Jon Imber <Jon@jmiplanning.com>
Sent: 22 September 2026 11:22
To: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

You don't often get email from jon@jmiplanning.com. [Learn why this is important](#)

Hi Amy,

Does this plan help?

Kind Regards

Jon Imber MRTPI

Director

Phone: 01889 566107

Website: www.jmiplanning.com

[JMI Planning Ltd | LinkedIn](#)



responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>
Sent: 22 September 2026 11:12
To: Jon Imber <Jon@jmiplanning.com>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Hi Jon,

Thank you for your email. Just looking into this one.

Do you have a plan at all to illustrate the proposed position of the store in the wider context at all please so I can ensure I am pinning the correct location on our mapping system?

A plan with the location marked on in the context of any nearby dwellings etc.

Thanks
Amy

From: Jon Imber <Jon@jmiplanning.com>
Sent: 17 September 2026 16:14
To: Houldsworth, Amy <Amy.Houldsworth@wiltshire.gov.uk>
Subject: RE: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

You don't often get email from jon@jmiplanning.com. [Learn why this is important](#)

Hi Amy,

Any thoughts on this one please?

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107
[REDACTED]

Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



Registered Office: 14A Market Place, Uttoxeter, Staffordshire, ST14 8HP
Registered in England No. 10123332

This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Jon Imber
Sent: 10 September 2026 15:19
To: 'amy.houldsworth@wiltshire.gov.uk' <amy.houldsworth@wiltshire.gov.uk>
Subject: FW: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP

Dear Amy,

Hope all is well.

Appreciate this one has not been with you long, but are there any concerns at this stage?

Would appreciate the opportunity to discuss any issues including compliance with the GPDO before a decision is issued.

Kind Regards

Jon Imber MRTPI
Director

Phone: 01889 566107
[REDACTED]

Website: www.jmiplanning.com
[JMI Planning Ltd | LinkedIn](#)



Registered Office: 14A Market Place, Uttoxeter, Staffordshire, ST14 8HP
Registered in England No. 10123332

This e-mail contains confidential information belonging to the sender, which is legally privileged; it is believed to be free of viruses that may affect any IT system. It is the responsibility of the recipient to ensure that any e-mails or attachments are virus free, as JMI Planning Limited accepts no responsibility. Reports, Statements and other technical attachments are the property of JMI Planning Limited and are only to be altered by employees of JMI Planning Limited. Should you not be the intended recipient then any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this transmission in error, please notify us immediately, and permanently delete this message.

From: Wiltshire Council <planning@sf.wiltshire.gov.uk>
Sent: 01 September 2026 14:16
To: Enquiries <enquiries@jmiplanning.com>
Subject: PL/2026/05466 : Little Langford Farm, Little Langford, Salisbury, SP3 4NP



Application No:	PL/2026/05466
Application Type:	Prior notification: Excavation/waste material

Proposal:	Proposed Excavation to Form Earthbank Slurry and Irrigation Store for the Dairy Herd and Arable Crops
Site Address:	Little Langford Farm, Little Langford, Salisbury, SP3 4NP
On behalf of:	Mr Nick Helyer

Dear Sir/Madam

Acknowledgement of your Planning Notification

I am writing to acknowledge receipt of your application and fee of £ 249.00.

The application was received as valid on 27/08/2026. The Planning Officer dealing with your application is Amy Houldsworth

Please be aware that supporting documentation for the application will be available to view online within 24 hours.

Legally, you are entitled to appeal to the Secretary of State if your application has not been determined by 24/09/2026. You may appeal to the Secretary of State within 6 months of this date. Details of this are set out at the foot of this letter.

Your application will be subject to a period of consultation, in which time those parties consulted will have the opportunity to comment on your proposal.

It may be necessary to post a Site Notice (or Notices) in relation to your application. This would be posted in a public position on or near your property. Your assistance in this matter will allow the consultation period to commence as soon as the notice is displayed and thus any delay in visiting the site by the case officer will be avoided for publicity purposes. Any such notice will include a date and a period during which the Notice must be displayed. It would be very helpful if, after that period, you were carefully to remove the Notice. Your assistance in this matter would be much appreciated by this Council.

Yours faithfully,

Head of Development Management

Making an appeal should be a last resort as it may take several months to determine. Details of how to lodge an appeal are available from the Planning Inspectorate here:

<https://acp.planninginspectorate.gov.uk/>

Your opinion matters - how did we do? [Feedback Survey](#)

[ref:a0iQ300000NogI9IAJ;420a6632cb218f74af8c05acafc10460:ref]

This email originates from Wiltshire Council and any files transmitted with it may contain confidential information and may be subject to Copyright or Intellectual Property rights. It is intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and delete the email from your inbox. Any disclosure, reproduction, dissemination, modification and distribution of the contents of the email is strictly prohibited. Email

content may be monitored by Wiltshire Council to ensure compliance with its policies and procedures. No contract is intended by this email, and any personal opinions expressed in this message are those of the sender and should not be taken as representing views of Wiltshire Council. Please note Wiltshire Council utilises anti-virus scanning software but does not warrant that any e-mail or attachments are free from viruses or other defects and accepts no liability for any losses resulting from infected e-mail transmissions. Receipt of this e-mail does not imply consent to use or provide this e-mail address to any third party for any purpose. Wiltshire Council will not request the disclosure of personal financial information by means of e-mail any such request should be confirmed in writing by contacting Wiltshire Council.

Wiltshire Council Disclaimer: <https://www.wiltshire.gov.uk/disclaimer>

Wiltshire Council Disclaimer: <https://www.wiltshire.gov.uk/disclaimer>

Wiltshire Council Disclaimer: <https://www.wiltshire.gov.uk/disclaimer>

Wiltshire Council Disclaimer: <https://www.wiltshire.gov.uk/disclaimer>