

# AGENDA SUPPLEMENT (1)

Meeting: Eastern Area Planning Committee

Place: Online Meeting

Date: Thursday 9 July 2020

Time: 2.00 pm

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The Agenda for the above meeting was published on 1 July 2020. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## 7 **Planning Applications (Pages 3 - 54)**

Presentation slides and public statement log sheet for planning applications and ROW items

7a **20/02218/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF (Pages 55 - 60)**

Statements

7b **20/01631/FUL - Honey Street Mill, 2 A Honeystreet, Pewsey, Wiltshire, SN9 5PS (Pages 61 - 68)**

Statements

8a **Highways Act 1980 - The Wiltshire Council Burbage 6 (Part) Extinguishment Order 2020 (Pages 69 - 72)**

Statements

8b **Wildlife and Countryside Act 1981 s.53 ("the 1981 Act") - The Wiltshire Council Grafton 29 (Part), 29A, 30 and 31, Burbage 1 (Part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019 (Pages 73 - 94)**

Statements

DATE OF PUBLICATION: 6 July 2020

# Eastern Area Planning Committee

9 July 2020 2.00pm

## Membership

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Cllr Mark Connolly (Chairman)  
Cllr Paul Oatway QPM (Vice-Chairman)  
Cllr Ian Blair-Pilling  
Cllr Stewart Dobson

Cllr Peter Evans  
Cllr Nick Fogg MBE  
Cllr Richard Gamble  
Cllr James Sheppard

## **20/02218/FUL**

Land opposite Hungerford Road, East Grafton,  
Marlborough, Wiltshire, SN8 3DF

Erection of 15 dwellings with access onto A338,  
formation of bus stop layby on A338, parking and  
associated landscaping with change of use of  
agricultural land to residential garden land

**- agenda item 7a**

**7a) 20/02218/FUL Land opposite Hungerford Road, East Grafton, Marlborough, Wiltshire, SN8 3DF**  
Erection of 15 dwellings with access onto A338, formation of bus stop layby on A338, parking and associated landscaping with change of use of agricultural land to residential garden land  
**Recommendation: To refuse planning permission.**



Site Location Plan



Aerial Photography







- KEY**
- New tree
  - Existing tree
  - Road Protection Area
  - New hedge
  - New planting
  - Existing walls
  - Close boarded fence 1.2m high
  - Post and rail fence 1.2m high
  - Brick wall 2.1m high

B	Residential house plans	BL	28.03.19
A	Water spaces 30/03	BL	14.07.19
	revisions	revised	date

Contractor, Sub-Contractors and Suppliers are to check all new work dimensions and levels of site and buildings before commencing any site drainage or building work.

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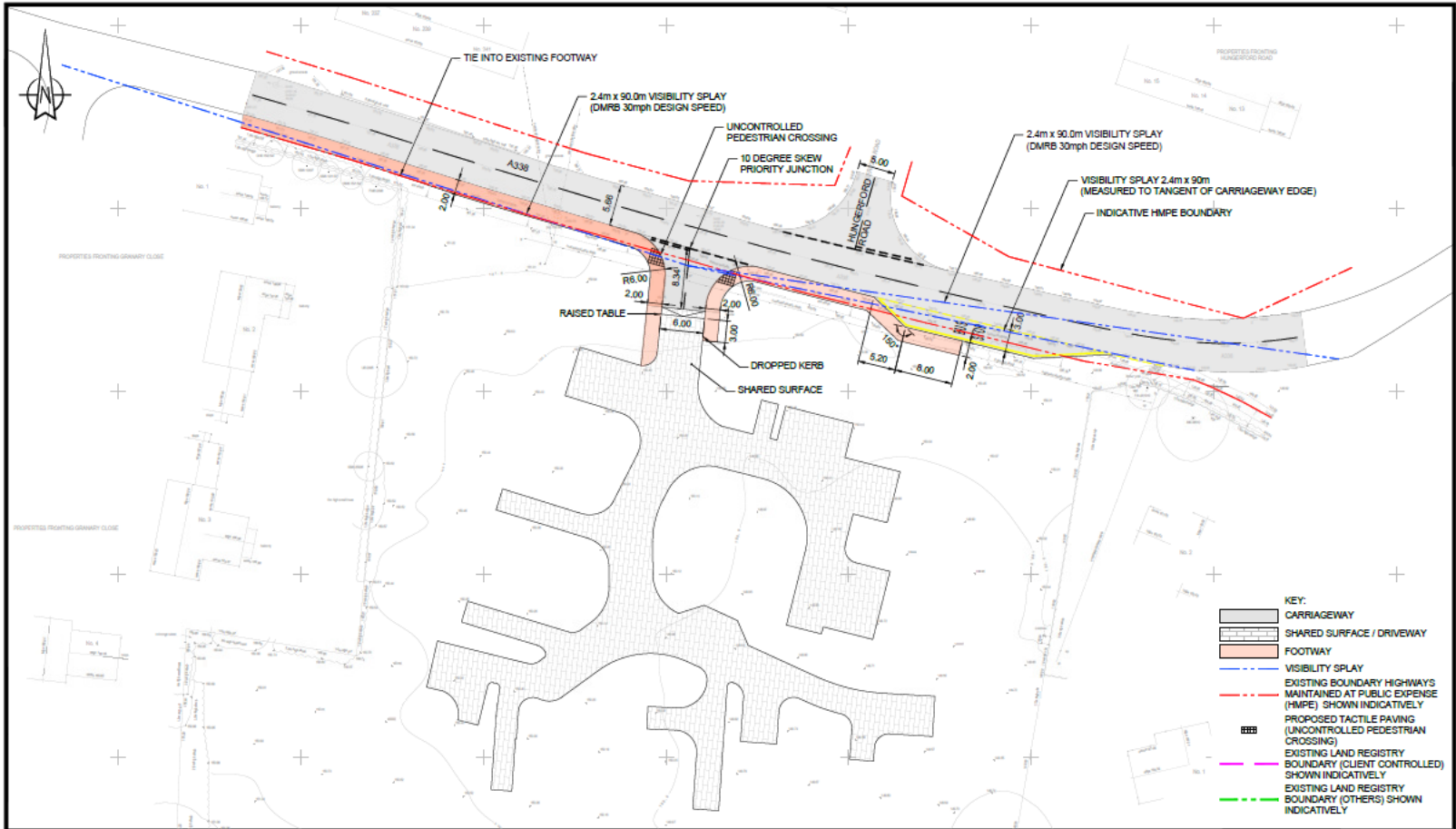
LAND OPPOSITE HUNGERFORD ROAD  
East Grafton

Site Plan

scale	drawn by	date
1:200 @A1	BL	November 2018
140215-02		
drawing		B

**FOWLER ARCHITECTURE AND PLANNING**  
 19 High Street  
 Pewsey  
 Wiltshire  
 SN9 5AF  
 tel (01672) 569444  
 info@fap.co.uk





**KEY:**


- CARRIAGEWAY
- SHARED SURFACE / DRIVEWAY
- FOOTWAY
- VISIBILITY SPLAY
- EXISTING BOUNDARY HIGHWAYS MAINTAINED AT PUBLIC EXPENSE (HMPE) SHOWN INDICATIVELY
- PROPOSED TACTILE PAVING (UNCONTROLLED PEDESTRIAN CROSSING)
- EXISTING LAND REGISTRY BOUNDARY (CLIENT CONTROLLED) SHOWN INDICATIVELY
- EXISTING LAND REGISTRY BOUNDARY (OTHERS) SHOWN INDICATIVELY

REV	DETAILS	DRAWN	CHECKED	DATE
A	Hungerford Road realignment and footway added.	BC	MM	30.08.2018
B	Layout amended to revised architect's plan	PD	BC	28.03.2018
C	Layout amended to revised architect's plan	PD	BC	14.11.2018
D	Layout amended to revised architect's plan	PD	BC	15.01.2019
E	Layout amended to revised architect's plan	PD	BC	06.04.2019

**NOTES:**

1. Do not scale from this drawing.
2. This drawing is for illustrative purposes only and not for construction.
3. This drawing is to be read and printed in colour.
4. All dimensions are shown in meters, unless specified otherwise.
5. Land boundaries shown are indicative and are for information only.

PROJECT:		Land Opposite Hungerford Road, East Grafton	
DRAWING TITLE:		<b>PROPOSED ACCESS PLAN</b>	
DRAWN:	CHECKED:	DATE:	SCALES:
PD	BJC	23.04.2018	1:500
SHEET SIZE:		A3	

CLIENT:	Mr D Lemon
 <b>Condon Drew Associates</b>	
DRAWING NUMBER:	1143-001
REVISION:	E

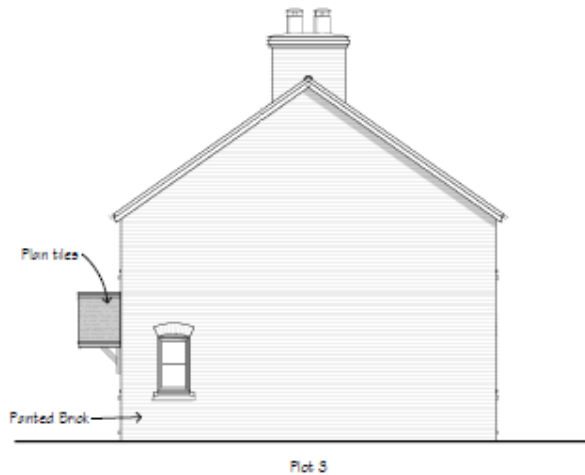
NOTE: THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN CONDON DREW ASSOCIATES LTD. IT MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.



East Elevation



South Elevation



North Elevation.



West elevation.

A general revision

revision

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

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project  
Land Opposite Hungerford Road  
East Grafton

drawing

Plots 3 & 4  
Elevations

scale 1 : 100@ A3  
drawn by  
date November 2018

140215- 12  
drawing no



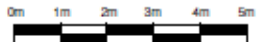
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enquiries@faap.co.uk

Page 10

1 : 100

1 : 100





Plot 14

Plot 15

### Front Elevation

1 : 100

Page 11



Plot 14

### Side Elevation

1 : 100



Plot 15

### Side Elevation

1 : 100



Plot 15

Plot 14

### Rear Elevation

1 : 100

A. General Arrangements  
 28.06.20  
 initials date

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

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project  
 Land Opposite Hungerford Road  
 East Grafton

drawing

## Plot 14 & 15 Elevations

scale 1 : 100@ A3  
 drawn by BL  
 date March 2019

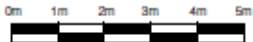
140215- 28  
 drawing no. A

etc.



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North Elevation

1 : 100  
Page 12



East Elevation

1 : 100



South Elevation

1 : 100



West Elevation

1 : 100

revisions	date
A	6.20

Contractors, Sub-Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

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Land opposite Hungerford Road  
East Grafton

Plot 7 Elevations

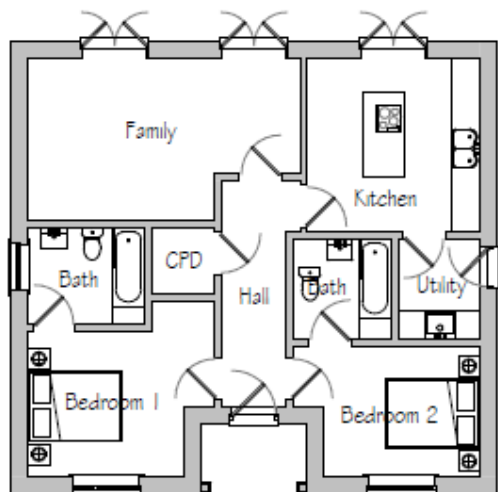
scale 1 : 100@ A3  
drawn by  
date November 2018

140215- 18  
drawing no  
A  
rev



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Ground Floor Plan

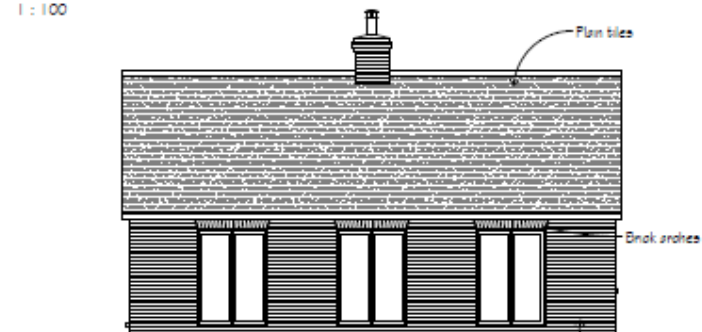
1 : 100

GIA = 891 ft<sup>2</sup>



East Elevation

1 : 100



West Elevation

1 : 100



North Elevation

1 : 100



South Elevation

1 : 100

revisions	initial	date
A	general revision	6.20

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any stop drawings or building work.

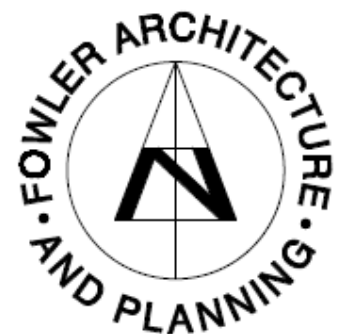
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Land Opposite Hungerford Road  
East Grafton

drawing  
**Plots 1 & 2**

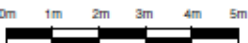
scale 1 : 100@ A3 drawn by - date November 2018

140215- 10 drawing no A



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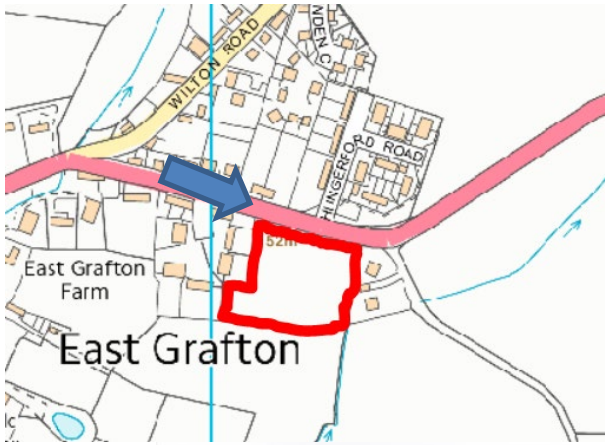












**20/01631/FUL**

Honey Street Mill, 2a Honeystreet,  
Pewsey, Wiltshire, SN9 5PS

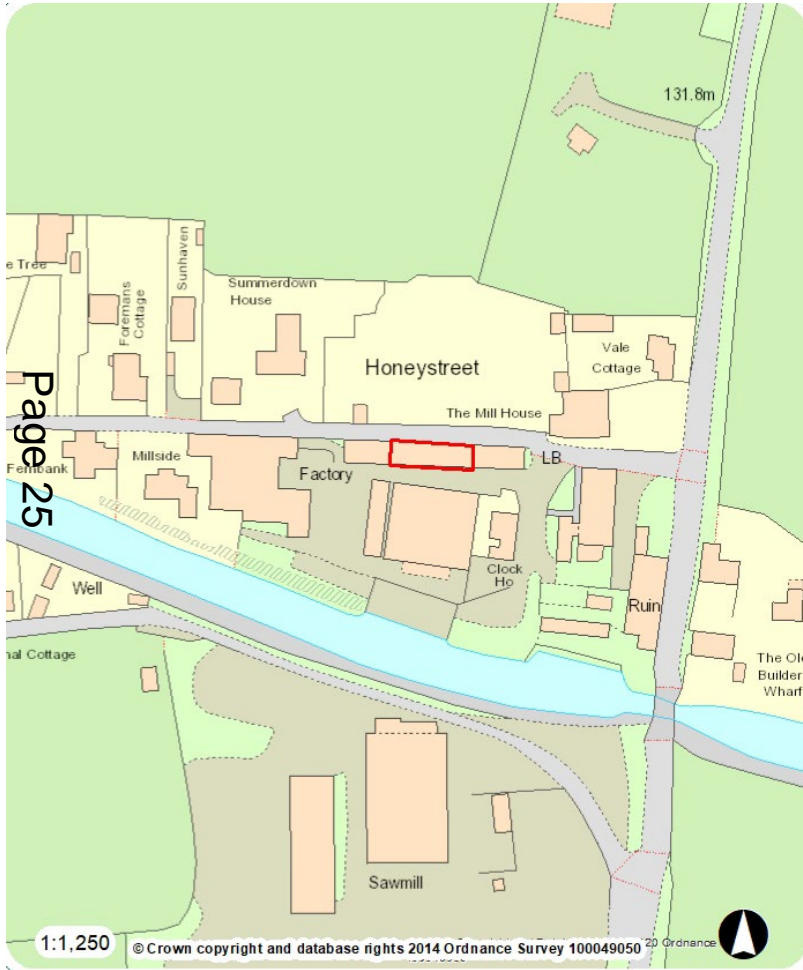
Change of use of former factory building  
to D1 exhibition hall (for Crop Circle  
Exhibition) - Resubmission of  
19/10296/FUL  
**- agenda item 7b**



**7b) 20/01631/FUL Honey Street Mill, 2a Honeystreet, Pewsey, Wiltshire, SN9 5PS**

Change of use of former factory building to D1 exhibition hall (for Crop Circle Exhibition) - Resubmission of 19/10296/FUL

**Recommendation: Approve with Conditions**



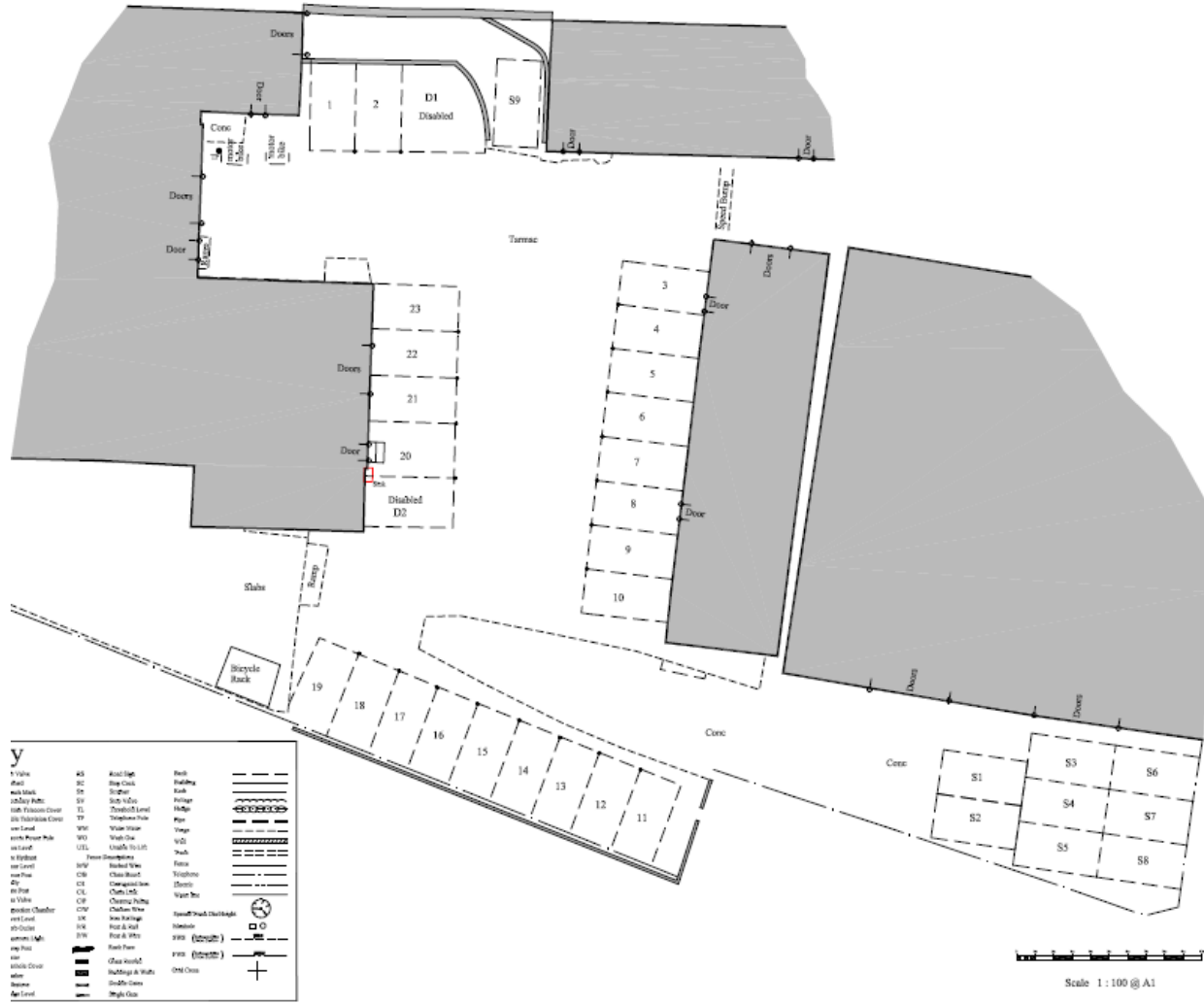
Site Location Plan



Aerial Photography



# Existing Parking Layout

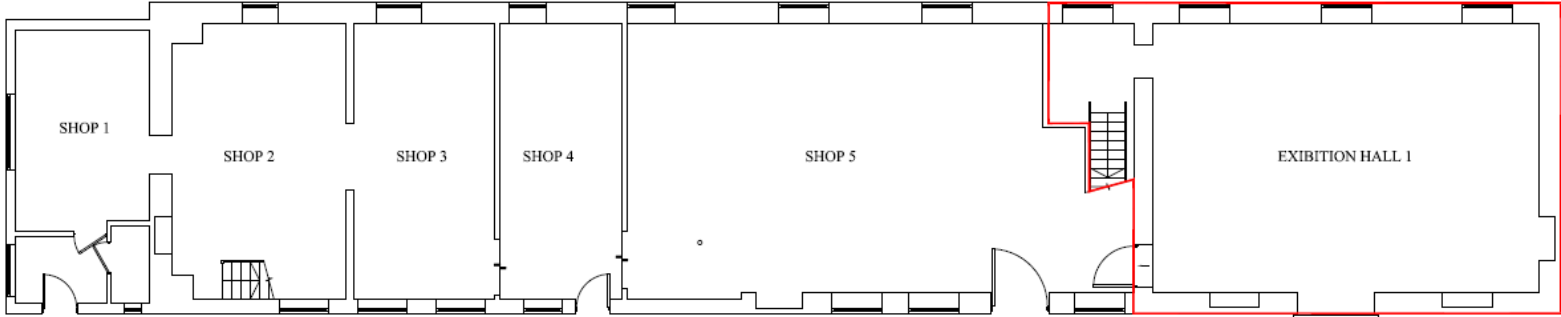


# Proposed Parking Layout

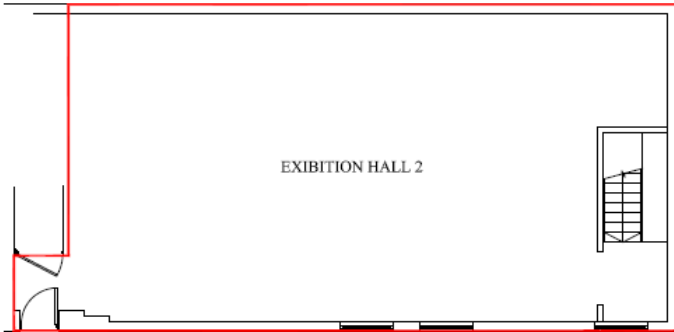


# Proposed Ground and First Floor Plan (area outlined in red)

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GROUND FLOOR PLAN  
SCALE 1/50



FIRST FLOOR PLAN  
SCALE 1/50

# Photographs of the site





Following photographs provided by objectors:







Photographs provided by applicant





'D'  
Four standard spaces and 1 disabled



'E'  
9 Stand spaces  
2400mm x 4800mm



'G'  
Staff Parking in space beyond the open door and dotted line  
size of space 9 m wide at the end, 7.2m wide at the front 14.4m long  
we park bumper to bumper so always have enough staff parking.

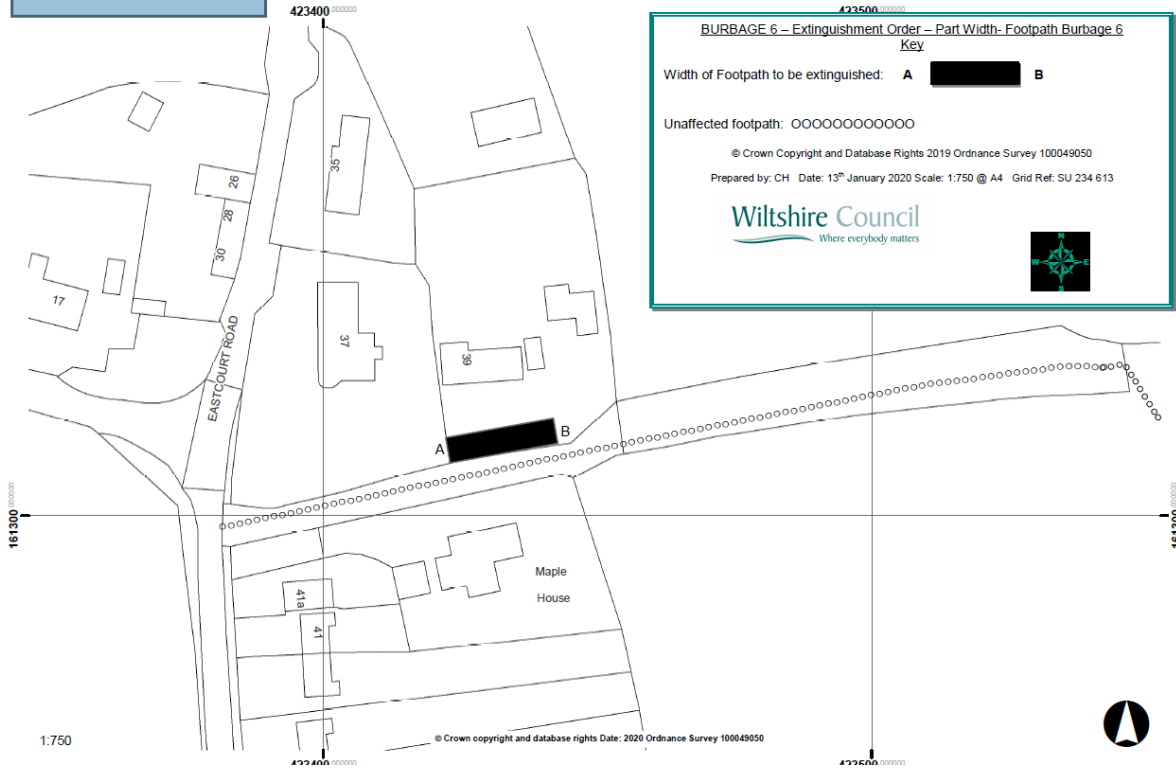


'H'  
Staff Parking Spot  
2400mm x 4800mm

The Wiltshire Council  
Burbage 6 (part)  
Extinguishment Order 2020  
- agenda item 8a



### THE WILTSHIRE COUNCIL BURBAGE 6 (PART) EXTINGUISHMENT ORDER 2020



- Wiltshire Council received an application in July 2019 under section 118 of the Highways Act 1980 to extinguish part of the width of footpath Burbage 6 to the south of number 39 Eastcourt Road, Burbage. The application was submitted by the owner of no.39.
- The application and subsequent order extinguishes a section of path measuring 3.3 metres wide by 21 metres long to the front of the property. The path at this point is recorded as 8 metres wide and as such if the order is confirmed the path will still have a minimum width of 4.7 metres at that point.
- The only legal test to consider in section 118 is whether the path is needed for public use.







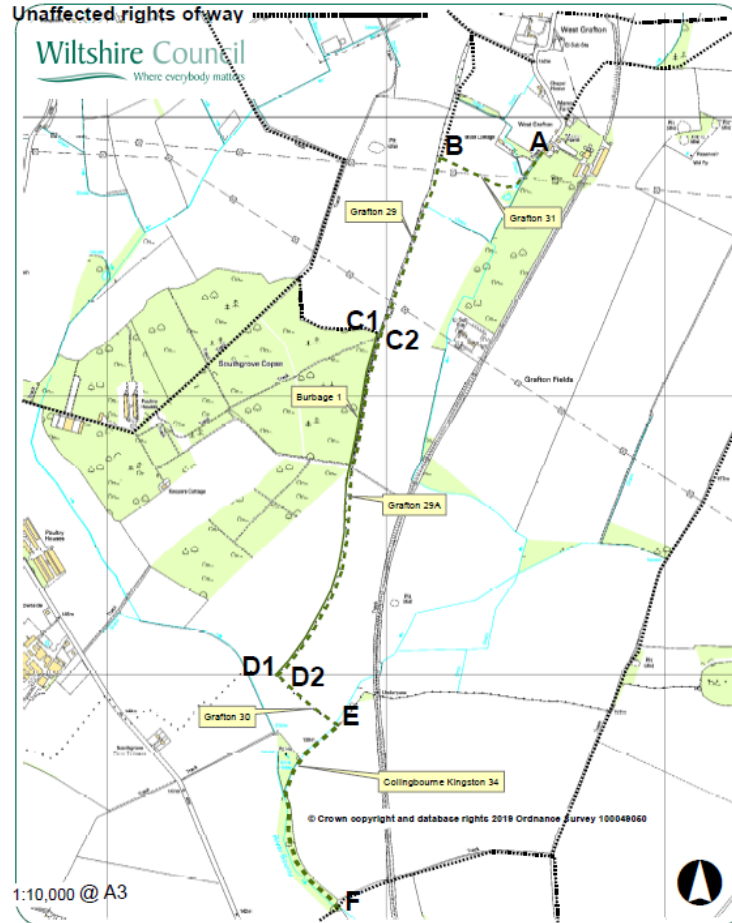


- An initial 28 day consultation was carried out in October and November 2019. Two objections were received , one from Burbage Parish Council and one from Mr McNicholas, a resident of Eastcourt Road. The Ramblers representative for the area also replied to the consultation stating he had no objection to the proposal.
  - The objections were considered and officers concluded the legal tests set out in section 118 were met and as such an order should be made.
  - The order attracted one duly made objection, during its 28 day statutory consultation period, from Mr McNicholas.
- The points raised within the one objection have been considered against the legal tests of section 118. It is claimed the whole width of the route is used by the objector and others. We have no other representation other than the objector claiming to use that section of path. The Planning Inspectorate advice note 9 is clear that when considering an extinguishment order a path may be used to a limited degree but still not needed for public use and be capable of confirmation.

- It is the officers opinion that the order is capable of confirmation as the path is not needed for public use and any use is very limited.
- The extinguishment order will not have a negative effect on the walking public using the footpath.
- Members of the committee have two options:
  - (i) The order be forwarded to SoSEFRA with the recommendation it is confirmed.
  - (ii) The order is abandoned
- If members do not believe the order should be confirmed clear reasons should be given as to why the order does not meet the legal tests.

The Wiltshire Council Grafton  
29 (part), 29A, 30 and 31,  
Burbage 1 (part) and  
Collingbourne Kingston 34  
Definitive Map Modification  
Order 2019  
- agenda item 8b

Grafton 29(pt), 30 & 31, Burbage 1 and Collingbourne Kingston 34 Order Plan  
 Grafton 31 to be upgraded to restricted byway A - - - - - B  
 Grafton 29 to be upgraded to restricted byway B - - - - - C2  
 Grafton 29A to be added as restricted byway C2 - - - - - D2  
 Burbage 1 to be deleted C1 - - - - - D1  
 Grafton 30 to be upgraded to restricted byway D2 - - - - - E  
 Collingbourne Kingston 34 to be upgraded to restricted byway E - - - - - F



- The Council has a statutory duty under Section 53 of the Wildlife and Countryside Act 1981 to keep the definitive map and statement under continual review and to make legal orders to correct it where errors are found.
- The duty extends to investigating all relevant available evidence relating to the existence of public rights to pass and re-pass over a route.
- The legal test for evaluating this evidence is the balance of probabilities, in other words, is something more likely than not.

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- Section 32 of the Highways Act 1980 permits the Council to consider historical documents, map and plans and to attach evidential weight to them according to their purpose and provenance.
- Legal events and publicly consulted documents where all or part of the purpose was to create or record public highways are given the highest evidential weight. This includes legal orders, Inclosure Awards arising out of Acts of Parliament and Schemes and Plans of Public Undertakings (i.e. Railways) deposited with Parliament and arising out of Acts of Parliament.

- This order arises out of an application which brought historical evidence to the Council's attention that a long route linking West Grafton with Collingbourne Kingston was a historic road and not a footpath and bridleway as was currently recorded.
- The majority of the route was awarded to the public as a 40 feet wide Public Carriage Road in an Inclosure Award in 1792 arising out of an Act of Parliament given Royal Assent in 1790. It is shown going from West Grafton "to Collingbourne".
- The route was also shown as a Public Road or Driftway, Public Highway and Road in 3 separate schemes deposited with Parliament for the purposes of planning and building railways which would have interfered with the line of the route.
- This road is also shown on a number of maps, plans and documents of lower evidential weight all of which are consistent with the route being a public road.
- No evidence has been found that the route is a footpath or bridleway and no evidence has been found that any public rights were ever stopped up or extinguished along it.
- It is likely that the route fell into relative disuse when roads nearby were improved and it is known that parts of it were more recently ploughed. However, the law is clear that 'once a highway, always a highway' and that no amount of disuse will extinguish a right.

- Although on the balance of probabilities it is considered that this was once a road, an Act of Parliament in 2006 extinguished the public right to use the way with a mechanically propelled vehicle. It should therefore be recorded as a restricted byway.
- The order was advertised and attracted 2 representations of support (from the Ramblers and the British Horse Society) and 2 objections from landowners over whose land the route leads.
- As a result of the objections which will not be withdrawn the Council must send this order to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) for determination.
- Although the objectors to the order have concerns relating to the suitability and management of the route these matters are management concerns and not relevant to the determination of the order.
- Officers consider that the historical evidence for this route is compelling and that the Order should be forwarded to SoSEFRA with the recommendation that it is confirmed as made.

# Meeting concluded

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Thank you for joining the meeting- if you have any feedback about the quality of the broadcast, please contact [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)



Please note that the meeting has paused and will resume shortly.

# Technical difficulties

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We are currently working to resolve technical difficulties, please stay on this page until the meeting resumes.

If the meeting cannot be resumed please contact Democratic Services via [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) for further advice.

## Wiltshire Council

### Eastern Area Planning Committee

9 July 2020

#### Public Statements Summary

In accordance with the procedure for the meeting as detailed in the agenda, for each item up to three statements in objection and up to three statements in support of an application will be read out at the meeting by the Democratic Services Officer. Statements should be no more than up to three minutes each. Statements on behalf of a relevant Parish Council will also be read out, for up to four minutes.

Statements to be read out by the Democratic Services Officer will be in order of submission.

All statements received by the published deadline of 5pm on 6 July are published in this agenda supplement.

<b>Item 7a - 20/02218/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF</b>			
<b>Participant(s)</b>	<b>Objection/Support</b>	<b>Date and Time Received</b>	<b>Read Out at Meeting</b>
No statements in objection received	Object	N/A	N/A
David Lemon (Applicant)	Support	06/07 at 16:11	Yes
Aaron Smith (Agent)	Support	06/07 at 16:11	Yes
Bill Clemence	Support	06/07 at 16:11	Yes
Grafton Parish Council	Parish	06/07 at 16:11	Yes
<b>Item 7b – 20/01631/FUL - Honey Street Mill, 2 A Honeystreet, Pewsey, Wiltshire, SN9 5PS</b>			
<b>Participant(s)</b>	<b>Objection/Support</b>	<b>Date and Time Received</b>	<b>Read Out at Meeting</b>
Alex Whittle	Object	06/07 at 16:22	Yes
Robert Carpenter Turner	Object	06/07 at 16:34	Yes
Nicola Sidey	Object	06/07 at 16:49	Yes
Richard Cosker, RCC Planning Consultancy, (Agent for applicant)	Support	06/07 at 10:18	Yes
John Wyles (Applicant)	Support	06/07 at 10:18	Yes
Camilla and Piers Hampton	Support	06/07 at 10:18	Yes
Alton Parish Council	Parish	06/07 at 15:57	Yes
<b>Item 8a - Highways Act 1980 - The Wiltshire Council Burbage 6 (Part) Extinguishment Order 2020</b>			

<b>Participant(s)</b>	<b>Objection/ Support</b>	<b>Date and Time Received</b>	<b>Read Out at Meeting</b>
No statements in objection received	Object	N/A	N/A
Adrian Noviss (Blake Morgan, Agent for applicant)	Support	06/07 at 10:03	Yes
<b>Item 8b - Wildlife and Countryside Act 1981 s.53 ("the 1981 Act") - The Wiltshire Council Grafton 29 (Part), 29A, 30 and 31, Burbage 1 (Part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019</b>			
<b>Participant(s)</b>	<b>Objection/ Support</b>	<b>Date and Time Received</b>	<b>Read Out at Meeting</b>
Lewis Ballin	Object	02/07 at 21:16	Yes
Jack Edwards (Agent for Southgrove Farm)	Object	03/07 at 16:20	Yes
Amy Richards	Object	04/07 at 18:38	Yes
Joanne Thorne	Object	05/07 at 12:22	No
Kory Thorne	Object	05/07 at 13:06	No
Alison Banyard	Object	05/07 at 13:07	No
Mark Harris	Object	05/07 at 17:04	No
Dave Cummings	Object	05/07 at 17:56	No
Gillian & Stephen Foster	Object	05/07 at 17:59	No
Wendy Brown	Object	05/07 at 18:36	No
Mark & Sarah Gregory	Object	05/07 at 18:42	No
Dave & Sue Richards	Object	05/07 at 19:19	No
Michael Oldfield	Object	05/07 at 19:23	No
Becky Oldfield	Object	05/07 at 19:26	No
Amanda Rogers	Object	05/07 at 20:00	No
Frances Rogers	Object	05/07 at 20:09	No
Todd O'Malley	Object	05/07 at 21:35	No
Theresa & David Pointer	Object	06/07 at 08:39	No
Steve Clements	Object	06/07 at 09:41	No
Philip Palmer	Object	06/07 at 09:53	No
Evelyn Harman	Object	06/07 at 09:55	No
David & Helen May	Object	06/07 at 11:01	No
Steve Latham	Object	06/07 at 12:12	No
Jack Edwards (Agent for Aughton Farm)	Object	06/07 at 12:25	No
Mr and Mrs Ward-Webb	Object	06/07 at 14:25	No
Sandra Fisher	Object	06/07 at 15:39	No
Dominic Jackson	Object	06/07 at 16:17	No
Fiona Allen	Object	06/07 at 16:34	No
Kate Gore	Object	06/07 at 16:41	No
Rosie Pack	Support	01/07 at 19:14	Yes
Annabelle Roycroft	Support	02/07 at 14:51	Yes
Bill Riley (applicant)	Support	02/07 at 15:36	Yes
Chiara Staples	Support	02/07 at 15:55	No

Hannah Sykes	Support	02/07 at 15:57	No
Deborah Leighfield	Support	02/07 at 17:23	No
Eileen Devenish	Support	03/07 at 15:03	No
Peter Gallagher (The Ramblers Association)	Support	04/07 at 16:39	No
Norman Beardsley (Wilts Bridleways Assoc)	Support	05/07 at 20:13	No
Mr and Mrs Darman	Support	06/07 at 14:29	No
A Perritt	Support	06/07 at 14:52	No
J Russett	Support	06/07 at 14:54	No
E Dunton	Support	06/07 at 14:57	No
S Wearing	Support	06/07 at 14:59	No
H Greenwood	Support	06/07 at 15:04	No
E Goodman	Support	06/07 at 15:10	No
R Hope	Support	06/07 at 15:17	No
Melanie Cooper	Support	06/07 at 15:17	No
D Jopling	Support	06/07 at 15:15	No
Nigel Baybrook (Collingbourne Kingston PC)	Parish	06/07 at 15:11	Yes

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**Item 7a - 20/02218/FUL - Land opposite Hungerford Road, A338, East Grafton, Marlborough, Wiltshire, SN8 3DF**

## Statements of Objection

None received

## Statements of Support

### **David Lemon (Applicant) – Support – Received on 06/07 at 16:11**

Dear Councillors,

My name is David Lemon and I am bringing this site forward for the second time as a fantastic and great opportunity for Wiltshire to develop smaller and affordable homes for members of our Parish. A generation ago my father **gave** Lynden Close to the village of East Grafton, the aim was to allow the next generation of families to be able to afford to move home. This application has similar ambitions but also with the aim of some of the senior residents being able to downsize with the advantage of making other (family) houses available in the village.

The site is very well supported, locally and by administrative bodies. The AONB have strongly supported it adding that there is no impact on the aesthetic beauty of our landscape. The CPRE have no objections. Old villages need new life and proof of this is, that East Grafton lies within the catchment area of Great Bedwyn School. The school has an “Outstanding” Ofsted rating but currently only has 50% of its pupils from within its catchment area.

It runs against core policies 1,2 & 18, in the sense that it is too big a development to be considered “in fill” within a “small village”.

I ask you as a Committee, why has Councillor Wheeler called this application in? Surely the answer is to assess the merits of this unique site and the opportunity it presents to you as a council to fulfil the housing requirement in our parish in light of the change in circumstances in housing supply. Wiltshire’s own Residential Development Project Manager has moved to make an offer on the six affordable homes that Mr Guest says are already satisfied and there is zero demand for.

“..... I am pleased to confirm that Wiltshire Council would indeed be interested in the 6 affordable homes at this location.....I shall put together an offer on the proposed mix,“

This has been followed by a second email... ”I am now in a position to commence putting an offer together for the affordable homes on this development.”

Here is a site:

- wanted by locals, and the Parish Council
- hoped for by local tourism and businesses
- supported by the AONB and CPRE
- needed by our local schools
- sought after by Wiltshire’s own Housing Association

- in an exceptional time of housing shortage.

In his report Mr Guest states that being in an AONB with no exceptional circumstances that it should automatically be refused. Surely it is exceptional that the AONB fully support the development.

“It is disappointing that again the AONB appears to not have been consulted on this application for which we should have been as per the protocol agreed between Wiltshire Council and ourselves. The AONB unit in this instance supports the application.”

He also suggested at our last meeting that the site is outside the village, which everyone can see is totally inaccurate. Red is the proposed site, Blue is the outside of the village, however it does lie outside the conservation area.



There is a question over the size of the development, but as Wiltshire council want the 6 affordable houses, and this is not a Rural Exemption Site, so there must be a pay off in the commercial market. We need to build 9 houses, in the scale and size demanded by our residents, as per the Housing Needs survey, to achieve financial viability.

I have estimated figures based on build costs and sale prices and although I am (as the land owner) better off to build 4 Executive Houses, than 15 smaller homes, I am at least following my heart and the certainty that I am doing the right thing for the parish and the community which I value so greatly.



At our last council meeting an “open book” was suggested to show that we can justify this point and I have these figures available on a spreadsheet, but I am aware my 3 minutes is all but done.

If required, Councillor Wheeler should have these figures.

Thank you for your time.

Yours sincerely,

David Lemon

**Aaron Smith (Agent) – Support – Received on 06/07 at 16:11**

This statement is made by Aaron Smith, agent for the Applicant.

This application is not identical to the earlier scheme. Additional evidence has been submitted. The Council cannot demonstrate a five-year housing land supply. The AONB Board expressly support this planning application. The design of the homes has been revised to improve their appearance and massing. The planning circumstances have significantly changed and I ask you to take this into account.

I wish to address each of the recommended reasons for refusal.

Reason 1

It is agreed with the Council that no five-year housing land supply can be demonstrated; however, the Officer Report downplays any consequential need to boost the delivery of much needed homes.

Unlike the Purton Road and Paddock Wood appeal sites, which are both isolated locations, here we have a suitable location within the built confines of an identified and sustainable village. This site is not isolated.

The scheme supports your plan-led system as East Grafton is identified as sustainable, whilst being of a suitable small-scale relative to this community and their needs. Growth for affordable and open market homes is much needed locally, with benefits to the economy and the ability of the wider community to sustain their facilities.

Reason 2

The AONB Board were disappointingly not consulted on the 2018 application and you were not able to take their views into account. They have now been consulted and do not consider the scheme to be ‘major development’ in the AONB, and that it is limited development which they expressly support.

The AONB Board ask you to take into account:

- the benefits of a range of housing;

- that the development would enhance the entrance into the village;
- the site sits naturally within the built-up confines of the village bordered by substantial development; and
- there would be no harm to the wider AONB landscape due to the location of the site within the built-up area.

The AONB Board have recommended enhancements to the design to which we have submitted revised plans.

Overall, the views of the AONB Board are important to this Committee as they demonstrate the Council would not be able to defend this reason at appeal.

### Reason 3

As the Informative confirms, this matter can be overcome by completing a legal agreement to which there are no objections from the Applicant.

### Reason 4

It is wrong to suggest that this development would in any way hinder the delivery of affordable housing in Wiltshire. The scheme does not escape its obligations and provides the required number of affordable homes AND a range of other smaller homes to meet the Grafton parish needs.

We have written confirmation from Wiltshire Council Housing Assets Team of their desire to not only deliver six affordable homes in Grafton, but also to acquire these homes under your Homes4Wiltshire programme. Our client looks forward to delivering these homes in partnership with Wiltshire Council.

In summary, there are clear grounds for this Committee to conclude that the circumstances have now changed in favour of the scheme since your decision last August. I ask you to approve this application and recognise the limited impacts of the scheme, as confirmed by the AONB board, and the significant benefits to this local community that will arise from this sustainable proposal.

Yours faithfully,

Aaron Smith BA(Hons) Dip TP MRT

### **Bill Clemence – Support – Received on 06/07 at 16:11**

As a resident of East Grafton since 2001, Landlord of The Swan Inn, the only retail business in Grafton Parish, and Chairman of The Coronation Hall committee I would like to support this application for the following reasons:

1. The proposed site is a gaping hole within the village, it has no visual value and serves no purpose. It is without doubt that the village would be enhanced by an attractive development on this site.

2. Each successive past development of this type has breathed new life into our community. Many houses within our parish have had the same occupants for many decades. Developments like this bring the opportunity to attract new residents and help increase diversity with regards to the village's demographics. When I moved to East Grafton it appeared to me that the village was full of retired people. No surprise then that by the time I had children of school age that the village school had closed. Over the intervening years we have had many more families move into the village and there is a much better balance, though there is still room for continued demographic adjustment, not least because many families like mine are growing up but have no intention of moving. Surely this is a cycle can be beaten by growth; I am not sure that it is correct to say that "vilages that don't grow die" but certainly villages that don't grow certainly get very old, and that is not healthy for the spirit of the parish.
3. From a publican's perspective the plight of The British Pub is well documented and it's reasons are intricate and complex. During my thirteen years as the landlord of The Swan in Wilton I have seen many pubs around us close, and many others fall into decline. The same can be said of village shops and post offices. Businesses like ours are important. Very often we are the only significant employer in a community, and a focal point for communities to meet. Any projects that brings new/more residents and potential customers is a boost. Every little bit of extra trade could become more vital as time goes on.
4. Equally, the Village Hall has many hirers that offer classes/activities to the community, and with an increased audience some of these may become less marginal, and potentially attract others to start new classes/clubs, which not only enhances our community, but helps to secure the hall.

In short, I commend this application, and implore you to grant it permission. I cannot see that this application has any negatives. I know this community probably better than anyone, and I know that the majority of parish residents have no issue with it.

Yours faithfully

Bill Clemence

### **Parish Council Statements**

#### **Grafton Parish Council – Support – Received on 06/07 at 16:11**

Grafton Parish Council is actively looking to support and encourage a flourishing community for its residents. This, as expected, is an ever evolving effort and our comments are based on this motivation.

In recent years the Parish Council has actively looked to cater for a broad cross section of needs to ensure that residents can feel part of a community. To summarise a selection of our activities, we have:

- rebuilt our village hall which is now a community asset that offers activities for all ages;
- taken on the responsibility for the playing fields and added to these facilities to provide children with a safe environment to play without the need to travel;
- set up a successful youth group to cater for teenagers;
- worked with the Swan Inn to provide food parcels, a community shop and support during the Covid-19 epidemic;
- supported the establishment of Sunflowers pre-school;
- actively run village fetes, Wilton windmill events and rounders competitions;
- supported a variety of other initiatives to cater for all ages.

This has helped us to grow into a vibrant community.

We realise that, to continue to thrive, we also need to see new people and ideas come into our community. This can only happen if there is the availability of housing, be that existing or new, and one of the challenges limiting the inflow of people is that residents rarely move out of the Parish. This will continue to be a challenge to our community.

To achieve the right influx of new residents it is our belief that this particular development has a place. We believe that there is the housing need and that we in turn have the capacity to cater for new residents. This application, in our view, has the potential to ensure that we can continue to grow in a managed way and we see it as following the previous examples of development that have contributed to our community. Historically the Parish has had developments of similar size take place every 15-20 years and these have successfully helped the community to grow and evolve.

The planned inclusion of properties of varying sizes will enhance the entrance to East Grafton village and convert an unused field into a Parish asset. There have been 3 well attended public meetings regarding this application. The positive feedback, together with the willingness of the applicant to take note of comments, was well received.

Grafton Parish Council supports this application, as long as the conditions we have mentioned in our planning support are actioned, in the interests of maintaining a thriving Parish with all the enhancements which new residents bring to an otherwise static but beautiful part of Wiltshire.

Prepared by Ann Dudney, lead on planning, on behalf of Grafton Parish Council

**Item 7b – 20/01631/FUL - Honey Street Mill, 2 A Honeystreet, Pewsey, Wiltshire, SN9 5PS**

## **Statements of Objection**

**Alex Whittle – Objection – Received on 06/07 at 16:22**

To the planning committee,

I am deeply concerned about this planning application (20/01631/FUL) and the impact that this will have on the hamlet in which I live. The small community on the North bank of the canal in Honeystreet is served by a single entrance from the main road, and this entrance is shared with the Honeystreet Cafe and India shop sites, and will additionally be impacted by the forthcoming housing development on the easternmost end of the site.

I have lived here for 20 years, and although the entrance to North Honeystreet is not ideal, it has presented no real issues until the recent development of the businesses at this commercial site. There have been several changes to the function on this site and each has seen piecemeal approval for applications to change the purposes of the buildings there without any sort of impact assessment on the traffic and parking requirements that all of these changes require. In fact, it seems that each of several businesses are claiming sole use of the limited existing parking facilities and the council assessment of the requirements and standing legislation appears grossly inadequate or even negligent. Since the site has been redeveloped, there have been many issues with inappropriate parking, either in the entrance, or on the main road outside which severely impact the ability to safely enter or exit the village. The applicant has made several efforts to minimise this on occasion, but I am extremely fearful of the long term impact of any changes to the permissible use on the site, both now and in the future when the plans for the buildings may change again to even more traffic intensive purposes.

If a single vehicle parks badly, the entirety of Honeystreet North is cut off from access to both residents and emergency vehicles. The traffic flows at the entrance are increasingly dense and the rate of near miss accidents are already alarmingly high. I really can not understand how approvals for the commercial development of this site has been allowed up to this point without a comprehensive review of the overall traffic and parking requirements, and ask that in the interest of health and safety as well as the wellbeing and peace of the residents that this is seriously addressed before any further approvals are granted.

Kind regards  
Alex Whittle

**Robert Carpenter Turner – Objection – Received on 06/07 at 16:34**

I am Robert Carpenter Turner a resident of Honeystreet. I have to object strongly to the application for an Exhibition Hall right in the middle of Honeystreet, on a dangerous access road and having no additional parking facilities. The whole site is owned by the applicant and he must be aware that his cafe (which we all support) has far too few parking spaces at present, let alone on a busy bank holiday.

The Crop Circle Exhibition is good and well presented. It is also a suitable use for an old building, will give limited additional seasonal employment with (as the applicant states) 12.6 visitors a day. But it does not have any additional parking within the curtilage of the land owned by the applicant - all of which is needed by the applicants patrons to the cafe. Nor does it have any disabled access being up a rather dangerous stairs.

The road safety report under 'Access' states 'it is considered that traffic would not be moving at speed along its length and that the combination of parked vehicles, traffic accessing to the site and pedestrian users would lead vehicles to operate generally more carefully and slowly'. So it is considered acceptable to allow parked vehicles and pedestrians to form part of the traffic control? That is what I object to and fear in Honeystreet - parking outside the curtilage of the building on our lane and small roads.

The Highways officer has made several confusing reports and raises no objections to this proposal. Why then did the applicant apply for additional parking on an ANOB on land North of Honeystreet which was wisely refused by Wiltshire Council? The applicant must have known then that they needed additional parking. The cafe reopened on the 4th July this year, and there appeared many new signs on the approach lane saying "No Parking at any time". A clear indication that someone was expecting there may well be a parking problem. The Highways officer also states 'I do acknowledge that at times large parties may arrive by coach and that the site does not provide adequate space to accommodate parking, however, it is common practice for coaches to drop off and park elsewhere'. But where do coaches, mini buses park and where do they drop off and collect?

I have read the Michael Kitching's report (independent traffic consultant) and he has some big differences of opinion with the Wiltshire Highways officers report with regard parking at the premises. He states "to be compliant with the Council's adopted standards is 111 parking spaces" while the Highways officer in her report for this applications seems to say that 35 spaces are enough. She also says that 18 spaces are allotted to the cafe - far too few as we all know. Please do consider these two reports, they cannot both be right, and the Council should surely use its adopted standards fairly for every planning application.

The very top of Chimney lane (Clock House application) is subject for agreed planning development for 5 houses, making even more use of this difficult road access.

Sadly this Exhibition proposal is in the wrong place. The building would be most suitable for small artisan craft business.

I hope you refuse this application

Robert Carpenter Turner

**Nicola Sidey – Objection – Received on 06/07 at 16:54**

As a longstanding resident of Honeystreet, I have observed the terrible traffic and parking effects on the hamlet, that have happened as a result of the unauthorised use by the Crop Circle Centre and Exhibition, of space at Honeystreet Mill.

Busy days at the Crop Circle Centre and Exhibition see overspill parking dangerously swamping and blighting the local road network and entrance to our small hamlet. The Planning and Highways officer's reports reach the wrong conclusion for the following reasons:

1. Their parking calculation and assessment fails to take into account the 33 car parking spaces required to accommodate the external cafe terrace, despite the officer's written confirmation that the calculation should and would include this area.
2. In assessing the parking requirement for the D1 use, the officer has used one of the lowest possible parking tariffs of 1 space per 40sqm. as though the use was for a museum or art gallery. Whereas the more relevant and realistic parking tariff of 1 space per 5 sqm for a D1 use public hall, would give an eight- fold increase in parking requirement. It is important to note that there is no planning permission required to move between the various uses covered by the D1 classification. Therefore, as is best practice the assessment should have used the higher requirement not the lower one. If this had been done, the calculation would have shown a six- fold intensification of parking requirement relative to hypothetical B1 use .
3. The extremely low visitor numbers suggested by the applicant and accepted by the Planning and Highways officers, are not credible and bear no relation to the crop centre visitor numbers regularly observed by residents .The officers should have taken account of the fact that the 'consent' runs with the building and not the occupant, and the occupant could easily change. The unrealistically low visitor numbers accepted of 8 people per day in high season and 2 people per day in low season, will certainly be far higher in the future.
4. About one third of the parking spaces proposed in this application fail to meet the design requirements of Wiltshire Councils Parking Standards, because they are within operational areas and will require other cars to move before they can drive in or away. Others fail to meet the standards dimensional requirements. This means that these sub-standard parking spaces should be disqualified from the calculation, as in practice they will not provide the required parking.
5. The Highways Officer's failure to accurately assess the parking available and to include the relevant floor areas ,and the parking requirement tariffs in her calculation mean that the assessment, gives a wrong and false impression of the impact of the planning use changes in Honeystreet. An accurate assessment produced by highly regarded independent transport consultants shows that the impact on the local road network will be a severe, and therefore fails to meet the tests set down in the NPPF, and will result in Honeystreet suffering dangerous overspill parking potentially in perpetuity.

Thank you.

#### **Statements of Support**

**Richard Cosker, RCC Town Planning Consultancy (Agent for Applicant) – Support – Received on 06/07 at 10:18**

This statement is written by Richard Cosker of RCC Town Planning Consultancy on behalf of the applicant and in support of this application.

The first matter that I would like to bring into focus is the scale and nature of the use subject of this application which councillors should have in mind when considering this application. The application concerns the change of use a small part (just over 147m<sup>2</sup>) of an existing and long established commercial building to a modest and low key exhibition space dedicated to the crop circle phenomenon that takes place within the agricultural fields in this area. This is only 7.8% of the total floorspace of this commercial site.

The objections that have been raised by some persons have been completely disproportionate to the scale of the use and the reality of how it has operated since last summer. You will I am sure been sent photographs from objectors of parking in the area or the numbers of people attending the exhibition but these either don't relate to the exhibition use or relate to the opening/launch event and are not reflective of the typical situation. Others speaking in support of the application will refer to these issues in more detail.

In planning policy terms, the committee report confirms that the exhibition use is in clear compliance with Policy CP48 and CP39 of the Core Strategy and would have economic, tourism and heritage benefits. With regards to the National Planning Policy Framework this is clear that councils should enable the sustainable growth and expansion of all types of business in rural areas through, for example, the conversion of existing buildings; sustainable rural tourism and leisure developments which respect the character of the countryside; the retention and development of accessible local services and community facilities, such as local shops, meeting places and cultural buildings.

We therefore agree with the officer's advice that there is no objection to the principle of the exhibition use.

With regards to further detailed planning considerations, it is clear that highway safety and parking are the other key issues.

The committee report is clear that the amount of parking provided on site is in compliance with the council's adopted parking standards, which for non-residential developments are maximum parking standards. As requested by the highway officer, the parking layout provided is based on an accurate measured survey undertaken by a surveyor, in contrast the persons objecting produced their own 'sketch' parking plan which was wholly inaccurate and raised unsubstantiated issues (as noted at 9.5 in the committee report).

In terms of vehicle movements and wider highway safety issues, the applicants have provided details of ticket sales over the last year (which are based on number tickets so this is accurate and substantiated evidence) which show very low tickets sales with an average of only 12.6 sales per day during high season. Not only are these low numbers spread over the 6 hour opening time but there is also the fact that many ticket buyers visit as a couple or buy a family ticket, thus the maximum number of vehicles that could be coming to the site is much lower (the sales show an average group of 2.3 people per 'group' thus there is an average of 6 groups/vehicles a day).



This level of visitors very much differs from the picture that has been painted by objectors but our details are based on accurate ticket sales records.

Finally of course, many visitors to the exhibition do so having already been visiting the café or the shop or are arriving at the site on foot, by bike and even by canal boat. So even with these small visitor numbers not all visitors will arrive by car.

It is having regard to the above that the highway officer has confirmed that there is no highway objection to this proposal.

In conclusion therefore, local and national planning policy wholeheartedly supports the exhibition use and councillors are urged to support the recommendation for approval.

### **John Wyles (Applicant) – Support – Received on 06/07 at 10:18**

I would like to thank Members for considering our application. I am grateful for all the work done by your Planning and Highways Officers, in what have been especially difficult times. I was pleased to have been able to provide accurate visitor numbers to your Highways Officer to allay concerns about local traffic issues, as well as information about the parking provision on site.

I would like to clarify that the photographs submitted by the objector mainly showed parking that occurred in Chimney Lane as a result of private parties at houses in the Lane. That parking was nothing to do with the Crop Circle exhibition. It is fully accepted that at the opening weekend last year (when a launch event was held, with press in attendance and free food was provided) that there were a higher number of people on site. That was very much a one off.

During the period 14th July 2019 to 14 August 2019 only on four days were there visitor numbers above 20, with two of those days having pre-arranged coach visits. They were the only coach visits we had. They were scheduled on weekdays and a separate parking arrangement was made in a neighbour's field. Both coaches were for Crop Circle enthusiasts who had discovered the exhibition on the internet. They were not part of any scheduled tour. Both coaches stayed for approximately two hours. Going forward there are no plans to link with any tour operators.

Excluding the two pre-arranged tours, the average "high season" number of visitors was 12.6 over a day. Visitors arrive in a variety of ways, by public transport, car, cycle, boat and on foot. Many visitors link their trips to the shop and cafe also on site.

I wish to be able to house an internationally renowned Crop Circle archive, in the actual area that is world famous for this phenomenon. I believe the community will benefit from a tourist attraction, at no cost to local taxpayers or the Council. The crop circle exhibition is a not for profit and the work of many years' research by Monique, the curator. We are looking forward to collaborating with the Wiltshire and Swindon History Centre to ensure the archive is managed according to best practice.

I am grateful to have the support of Pewsey Vale Tourism and Visit Wiltshire, who share our vision of a low impact, sympathetic and important visitor attraction, which we think can only enhance this beautiful area.

As the county and the country comes out of lockdown, we are hopeful that, even if only in a modest way, the exhibition will be able to boost local tourism and economic prosperity.

On that basis I would respectfully ask Members to consider granting our planning application.

John Wyles

**Camilla and Piers Hampton (direct neighbours to the Honeystreet Mill Site) – Support – Received on 06/07 at 10:18**

We absolutely support the application.

The national framework and local policy sets a backdrop in favour of enhancing the rural economy and in particular tourism. In determining planning it is important to carefully think about the very real and material effects of a negative decision. In this case we need to support two local enterprises who firstly actually employ young people and secondly occupy a huge site which obviously needs to be economically viable. Planning in Honeystreet seems to whip some of the local population into a default negative stance. The flip side of the same coin is that if as a village we continually push back too hard on planning we end up with sites like that opposite The Mill House which has been an appalling eye sore for way too long. To be clear therefore - isn't it better to utilise buildings that already exist to their maximum potential ensuring that they are maintained and kept and do not fall into dereliction.

Under application 08796/LBC the parish council unanimously approved the conversion of the upper floors of the pub to allow for self contained accommodation amongst other things. This seems to us to set a precedent for the conversion of premises to more modern or alternative uses in line with national policy and Wiltshire's policy in favour of tourism.

Mr Hampton is lucky enough to work from home three days a week and has never been inconvenienced by the India shop or any of the activities on the site. Mrs Hampton works from home 5 days a week and does two school runs twice a day and has also never been inconvenienced by cars parked or by people or deliveries to the site. The only cars we drive around are those tending to the Mill House on a regular basis which is of course no trouble at all.

There are photos in the SK Transport and planning report dated 19th November 2019 being used as evidence of serious looking parking issues caused by the use of the site.

We are happy to confirm that the photos were taken on Sunday 1st September and all the cars in the photos belong to our friends who were attending a joint birthday and christening celebration for our daughter - we had 40 people in attendance. Indeed that weekend was a perfect storm in as much The Mill House also had a large 18th birthday party on the Saturday night. Someone from the village took it upon themselves to move the fencing opposite The Mill House which forced more people to park on the road. None of this was caused by the Cafe, exhibition or shop on Mr Wyles' site.

There have been further photographs presented in evidence since then showing 'hoards' of people and cars. Again I am happy to be witness to say that these were taken on the night of the exhibition opening party - where the village turned out to support the exhibition. We were there and so recognise the people and the photographs. In our experience this was a one off afternoon and caused no one any inconvenience.

The Crop Circle exhibition is very unique. It is really a collection of a very dedicated ladies life work, collating (I believe uniquely) the only entire collection of crop circle images and research in the country. We feel honoured to have her here in the village and certainly our paying guests adore looking at the exhibition. Their cars are parked at our house however and so are never a nuisance. There is certainly a very positive symbiotic relationship between the cafe, the exhibition and local bed and breakfasts in the area. Though it is worth noting that none of our guests to date has stayed with us because of the exhibition proving it is not a 'mega destination' but we steer all our guests towards it and they are extremely interested in it and it is a highlight for their stay.

My husband or I tend to buy a coffee at least 4 times a week and I have never seen more than about 4 people in there when I have walked past.

If we can be of further assistance in determining this matter please feel free to get in touch.

Yours sincerely

Piers & Camilla

### **Parish Council Statements**

Alton Parish Council – Objection - Received on 06/07 at 15:56

Alton Parish Council voted unanimously to object to this application, amid serious concerns relating to parking, and heavy over-development of a sensitive area.

The application taken on its own clearly fails to meet the vehicle parking needs and safety requirements for potentially enormous numbers of seasonal visitors to the exhibition. But it is also essential that it is considered together with the simultaneous application 20/01633/FUL to expand the retail arm of the India Shop immediately next door, the Clock House application 19/09834/FUL to build six new dwellings immediately alongside that, as well as the fast-growing café on the same site.

The café is favoured by the Parish Council and residents. But whatever the merits of the individual projects might be they are, taken together, absolutely overwhelming and unacceptable for a small rural hamlet with no public facilities.

<b>Item 8a - Highways Act 1980 - The Wiltshire Council Burbage 6 (Part) Extinguishment Order 2020</b>
<b>Statements of Objection</b>
None received
<b>Statements of Support</b>
<b>Adrian Noviss on behalf of Blake Morgan (Agent for Applicant) – Support – Received on 06/07 at 10:03</b>
<p>Dear Sirs</p> <p>Burbage 6 Extinguishment Order 2020 Eastern Area Planning Committee Meeting Thursday 9 July 2020 2.00 pm</p> <p>1. We act for Zoe Turner, the applicant who has requested the above Public Path Extinguishment Order ("the Order") and provide this statement on Ms Turner's behalf in support of the Order. Ms Turner respectfully requests that the Committee support the confirmation of the Order in accordance with the Officer's recommendation and forward the Order to the Secretary of State for confirmation.</p> <p>2. As explained in paragraph 38 of the Officer's Report and in the covering letter dated 3 July 2019 that accompanied Ms Turner's original application, the Order seeks to extinguish only a part of the width along a short section of Footpath BURB 6 ("the Footpath"), not the entirety of the Footpath. The effect of the Order, if confirmed, would be to reduce the width by 3.3 metres along a 21 metre section of the Footpath.</p> <p>3. The current width of the Footpath along this section is 8 metres wide, compared with a width of approximately 4.2 metres along the preceding section of the Footpath that leads from the junction of Eastcourt Road. The width of that preceding section was itself reduced to 4.2 metres following a previous stopping up order granted on 16 April 2012.</p> <p>4. If the Order is confirmed, the remaining width of the Footpath along this section will still be 4.7 metres wide, which is a considerable width for a public right of way of this class with more than ample room for pedestrians to comfortably pass each other in opposite directions, an opinion which is endorsed at paragraphs 15 and 38 of the Officer's Report.</p> <p>5. The Council has made the Order under section 118 of the Highways Act 1980 because it appeared expedient that the path should be stopped up on the ground that it is not needed for public use. At the next stage, in deciding whether to confirm the Order the Secretary of State must be satisfied that it is expedient to do so having regard to the extent that this part of the Footpath is likely to be used by the public.</p> <p>6. Following the publication of the Order, the Council received just one objection. Of the many matters raised in the objection, the only relevant issue to be considered by the Council relates to whether this part of the Footpath is needed for public use. In other words therefore whether the full width of 8 metres is required.</p>

7. Ms Turner wishes to confirm that the public do not pass or repass over that part of the width of the Footpath that is subject to the Order ("the Order Area"). This is because the most direct and natural route involves members of the public walking along a straight line from the Footpath's junction with Eastcourt Road to the gate at the end of the track (where the Footpath continues across the fields beyond) and vice versa. The gate is located at the south-eastern corner of the track. Members of the public passing over the Footpath in either direction do not need to travel over the Order Area because this would involve them deviating away from the most direct and natural route by several metres. This is a view that is also shared by the Council's Definitive Map Officer in paragraphs 15 and 38 of the Officer's Report.

8. The objector is the sole person who has claimed to have actually used that part of the Footpath to be extinguished, but no evidence of use has been provided. The objector also alleges that other members of the public use it but, similarly, provides no evidence of actual use in terms of numbers of people and frequency of use of the full 8 metre width. Furthermore, no explanation has been provided by the objector as to why members of the public would deliberately deviate by several metres away from the most direct and natural route. Our client reiterates the statement made in the covering letter that of the approximately 30 to 40 people who use the Footpath each day, none have been witnessed walking over the full width of the Footpath.

9. It is also pertinent to note that the Ramblers who represent Wiltshire's walking community have expressly stated that they do not object to the proposed extinguishment of the Order Area and the wider local community have not objected to the Order.

10. For the reasons outlined above, this part of the Footpath is unused and therefore not needed for public use on account of the fact that the most direct and convenient route involves walking along a straight line along the Footpath. Furthermore, upon extinguishment of the Order Area, the remaining width of 4.2 metres along this section of the Footpath will be commensurate with the width of the rest of the Footpath that runs from Eastcourt Road.

11. Accordingly, Ms Turner respectfully requests that the Committee supports the confirmation of the Order and forward the Order to the Secretary of State for confirmation.

12. We also note that under the alternative, temporary arrangements that have been put in place by the Council during the current Covid-19 pandemic to enable the Committee meeting to proceed by way of a virtual hearing, there is limited opportunity for live public participation and no formal right of reply to respond to any further representations that may be submitted. As Ms Turner is the applicant in this matter who has requested the Order, it is submitted that she is entitled to be given the same fair opportunity to make her application and to respond to any matters that are raised as would be available during a normal committee meeting.

13. As the subject matter to be decided by the Committee is predominantly fact driven and not one relating to policy, the Committee must be afforded the opportunity to consider all of the material considerations including Ms Turner's response to any further assertions of

public use of the Order Area. Our client therefore requests that she be given an opportunity to consider and respond (following a deferral if appropriate) to any statements received by the Committee alleging public use of the Order Area – although only if Ms Turner considers it necessary to provide a detailed response on issues that are fundamental to the Committee's decision.

Yours faithfully

Blake Morgan LLP

**Parish Council Statements**

None received

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**Item 8b - Wildlife and Countryside Act 1981 s.53 ("the 1981 Act") - The Wiltshire Council Grafton 29 (Part), 29A, 30 and 31, Burbage 1 (Part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019**

**Statements of Objection**

**Lewis Ballin – Objection – Received on 02/07 at 21:16**

We understand that if the proposed rights of way as shown in the Order are upgraded to a restricted byway the owners of the old railway line will seek to close the permissive route that we have enjoyed walking for a number of years. This is the only direct link from Aughton and Collingbourne Kingston without having to walk along the public highway and should this route no longer be made available to walkers it will greatly affect the enjoyment of many local residents who enjoy walking this route on a daily basis.

We would draw your attention to the fact that when the River Bourne is in full flow, the Footpath route up to Spicey Buildings is inaccessible as there is not a bridge across the Bourne following the Environment Agency's decision to remove the stepon stones

Your faithful lewis ballin

**Jack Edwards – Objection – Received on 03/07 at 16:20**

Chairman, Members of the Planning Committee

My name is Jack Edwards and I speak as Agent for and on behalf of the owners of Southgrove Farm, WR Curick Ltd in relation to the proposed Modification Order seeking to upgrade the footpaths and bridleway to restricted byways and to raise a strong objection to this Order on their behalf.

I would like to use this opportunity to outline the impact that the proposed upgrade would have on the environment, the farming operations and the impact on this successful farming business.

Part of Grafton 29A crosses an arable field and the proposal to increase the width on this stretch would result in 1.35ha (3.34 acres) of productive arable land being taken out of production. We accept that currently there is a footpath however the width of this is much less than the proposed route outlined within the Order and therefore has a much lesser impact upon the farming activities.

In a previous bid to mitigate the impact of the footpath on the arable land the owners and Esther Daly (a previous rights of way officer) agreed that a permissive path would be made available to walkers along the old railway line. This is now a well-used right on foot that a significant proportion of local residents of Aughton and Collingbourne Kingston make use of on a daily basis. This is a permissive right which offers a much easier and improved experience for walkers and signs have always been in place explaining that this is a permissive right and only walkers are permitted to use it.

If the proposed upgrade to a restricted byway is enforced it will become a route for cyclists, horse riders and potentially horse and cart. If this is the case the owners will be forced to reconsider the use of the permissive route going forward.

The permissive footpath that the owners (and their neighbours) have allowed the public to use is the only direct link to both Aughton and Collingbourne Kingston. This well used footpath prevents walkers from having to walk along the public highway. The owners do not want to allow the permissive use to extend to anything beyond walking and therefore will be forced to remove the permissive footpath which follows the route of the old railway line meaning that Wiltshire Council will have to construct two bridges to allow access over the River Bourne.

The owners are very concerned that if the upgrade were to be approved albeit to a restricted byway it may be misinterpreted as being a Byway Open to All Traffic. BOATs are present on other land within their ownership and the presence of these already has a large impact on the farming business. There is serious concern that the restricted byway may be incorrectly identified as a BOAT for some users and this could lead to 4x4 vehicles and motorcycles attempting to use the route to take vehicular access. The owners have been forced to take steps to prevent this from happening to date through the installation of electric gates to prevent vehicular access at considerable expense.

To date the owners have respected all rights of way crossing their property and go above the requirements to ensure that the public are able to use these routes at all times. They top the grass to keep it at a length which is suitable for walkers, maintain and ensure that there are no obstructions. They diligently clear any fallen timber in a timely manner and have always supported and respected the public's right to enjoy these routes. However if the Order is enforced and the widths increased as outlined with the application assistance will have to be sought from the Council to ensure that this continues. The good will that they have shown in managing these routes to such an exemplary standard for the benefit of the public will be unmanageable as the proposed areas are set to increase so dramatically. As landowners they will have to ensure that access is permitted but they are unlikely to be able to undertake all of the additional beneficial works that they have done to date.

The owners face a constant and ongoing battle of people taking unlawful access over their land to partake in illegal activities. Hare coursing is a very real issue on this farm and the wider area with increasing frequency. There is significant concern that the creation of a restricted byway along the proposed route will lead to additional areas on the farm being targeted. Reports have been made to the police however a lack of prosecutions or appetite from the police to enforce the problem has now resulted in this becoming a real threat to the owners who have faced physical intimidation and actual bodily harm in approaching the people partaking in this illegal activity.

I urge you Chairman and Members of the Planning Committee to please take these points into account and consider the impact it will have upon my clients holding if the proposed upgrade comes into effect.

**Amy Richards – Objection – Received on 04/07 at 18:38**

It's been brought to my attention that the old railway footpath in Aughton is under threat of closure, I am writing to you in the hope that this does not happen. If the track is upgraded to a restrictive byway the lady who owns it says she will close this as a permissive footpath.

The track is a valuable part of the community, I and many others use it every day, it would be very upsetting to not have this safe and convenient place available to all of us.

I have been walking the track for 30yrs, some in Aughton have enjoyed it much longer than that. Thank you for taking the time to read this.

Many thanks,  
Amy

**Joanne Thorne – Objection – Received on 05/07 at 12:22**

I am a resident of Aughton, in Wiltshire and have seen a notice today regarding the old railway track that runs along Collingbourne Kington and Aughton and that restrictions of its use may be put in place.

I, as do many residents in the village, use this track on a daily basis to walk my dog and run, it is a beautiful safe walk, surrounded by countryside and wild life and one that would be Very much missed.

There are very few walks of this nature in the village and I would like to put forward my objection of its closure.

regards

Mrs Joanne Thorne

**Kory Thorne – Objection – received on 05/07 at 13:06**

I am a resident of Aughton and have seen a notice regarding the old railway track that runs along Collingbourne Kingston and Aughton. I understand that restrictions of use are being considered.

I, as do many residents of Aughton use this track on a daily basis to walk my dog. I use the walk responsibly always cleaning up after my dog.

The walk is beautiful and safe and it would be a real shame to lose the ability to walk this route.

Kind regards

Kory Thorne

**Alison Banyard – Objection – Received on 05/07 at 13:07**

I have recently been made aware of this application to upgrade the existing public Rights of Way, which are currently defined as footpaths and a section of bridleway, to a Restricted Byway. I understand this is in order to facilitate local horse riders wishing to increase their access to the local bridleway network. However, if permission for this Restricted Byway is granted the landowner has stated they will close public access to the disused railway line track, which runs from Aughton towards Grafton.

The use of the privately owned railway track by the general public has been a valuable and generous asset to the villagers of Aughton and Collingbourne Kingston for a number of years; being a vital link to Grafton and beyond for those anxious to avoid the perils of walking along busy A338, where in the section concerned, pavements are too narrow or non-existent. As the railway track is accessible only to pedestrians, it remains transversable year round and is a safe, well-maintained (by the landowner), regular walking route for many dog walkers, families and ramblers. Its loss would impact greatly on many members of the local community.

I am therefore anxious to avoid any modifications to local existing Public Rights of Way that would put the use of the railway track in jeopardy.

Thank you for your consideration in this matter.

Kind regards

Mrs Alison Banyard

**Mark Harris – Objection – Received on 05/07 at 17:04**

I read with interest that if the proposed rights of way as shown in the Order are upgraded to a restricted byway, then the owners of the old railway line will seek to close the permissive route, which I think is unfair to the walkers that enjoy this route.

I have regularly walked this with my family for the past 16 years, not only is it a joy to be away from the main road, it is one of the only flat country walks that is suitable for disabled access, due to it being wide and flat.

It is also a direct link to the footpath running up to Spicey Dairy.

I would therefore like to raise my objection to this proposal, or open a discussion to enable the footpath to remain open in its current form

Best wishes

Mark Harris

**Dave Cummings – Objection – Received on 05/07 at 17:56**

We heard a rumour today that the old railway line at Collingbourne Kingston to Burbage which is currently a permissive route is to be upgraded. If that is correct the owner would seek to close the old railway line which lots of people have enjoyed walking along for many years.

The old railway line allows people to walk in the countryside without the fear and noise of vehicles and to utilise various rights of ways to reach Burbage, Grafton, Collingbourne Woods etc etc.

During lockdown because of Covid-19 the railway line was a release for people as they could go for a walk along a wide space without the fear of catching Covid from other people that were passing.

Without the use of the old railway line people would have to risk their lives on the highway where vehicles are constantly racing through the village.

Therefore the old railway line should stay a permissive route.

Yours sincerely,  
Dave Cummings

**Gillian and Stephen Foster – Objection – Received on 05/07 at 17:59**

It has come to our attention that a proposed upgrade of a right of way to a restricted byway is likely to result in the section of old railway running from Aughton being closed.

Having lived in Aughton for 35 years, we have always been grateful for the use of this permissive path by the owners. We both enjoy walking and, having always had dogs, it is such a privilege to have such a facility on our doorstep, particularly as it leads to so many other footpaths in the area. I think this was highlighted in the recent Covid-19 lockdown, when the footpath became an invaluable place for local people to get some exercise.

We, therefore, oppose the proposal of the footpath becoming a restricted byway as it would have the knock on effect of depriving the community of an invaluable resource in the form of the permissive footpath, which we would all be devastated to lose.

Gillian and Stephen Foster

**Wendy Brown – Objection – Received on 05/07 at 18:36**

I am extremely shocked and very surprised at the council ! I'm very disappointed with your proposals, everyone enjoys walking the permissive path all year round and if your proposal goes through it will be stopped. I STRONGLY disagree with the council proposal and why on earth wasn't the villagers consulted?? It would be a huge loss to everyone!

Regards

Wendy Brown

**Mark & Sarah Gregory – Objection – Received on 05/07 at 18:42**

Wiltshire Council Grafton 29 (part), 29A, 30 and 61 Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019.

We understand that if the proposed rights of way shown in the Order above are upgraded to a restricted byways the owners of the old railway line will seek to close the permissive route that we have enjoyed walking for over 20 years. This is the only direct link from Aughton and Collingbourne Kingston without having to walk along the public highway and should this route no longer be made available to walkers it will greatly affect the enjoyment of many local residents who enjoy walking this route on a daily basis.

We would draw your attention to the fact that when the River Bourne is in full flow, the Footpath route up to Spicey Buildings is inaccessible as there is not a bridge across the Bourne following the Environment Agency's decision to remove the Stepping Stones.

This is why we wish to object to this footpath being turned in to a restricted byway.

Yours faithfully,

Mark & Sarah Gregory

**Dave & Sue Richards – Objection – Received on 05/07 at 19:19**

As regular walkers of the permissive path along the old rail track from Aughton, we were devastated to read that there is a possibility that this lovely path may be closed to us. It is a beautiful wide, level path that the old and young and every age between can enjoy, with or without their dogs, safely and peacefully away from the busy A338. Full of old meadow grasses, beautiful wild flowers and an abundance of minibeasts, birds and other wildlife, it is a treasured amenity, walked by many of the residents of Aughton, Brunton and Collingbourne and it would be very sadly missed if it was closed to us. It provides a natural link for people travelling northwards to Burbage and Grafton to walk in safety away from busy main roads thereby reducing car emissions, as well as being good for mental and physical health. We realise that it is a privilege to walk a permissive path and appreciate it greatly as do the other villagers and visitors who use it.

We hope very much that you will be able to preserve this lovely permissive path used and appreciated by so many in the area.

Yours sincerely

Dave and Sue Richards

**Michael Oldfield – Objection – Received on 05/07 at 19:23**

I have been informed that there are plans to change the status of some paths/bridleways that are associated to the "old railway line"  
If this happens we may lose its permissive access as the owners do not support this action. Please review this or organise a meeting for the villagers to discuss with you their concerns.

Thank you, kind regards

M Oldfield

**Becky Oldfield – Objection – Received on 05/07 at 19:26**

> I have been told that part of the old railway line in Aughton may be changed to include a byway.

> If this happens we may lose its permissive access as the owners do not support this action. This would be a real shame as thanks to their kindness many of us have enjoyed this for many years now. Please review this or organise a meeting for the villagers to discuss with you their concerns.

>

> Thank you, kind regards

>

> Becky Oldfield

**Amanda Rogers – Objection – Received on 05/07 at 20:00**

It is understood that if the proposed rights of way as shown in the Order are upgraded to a restricted byway, the owners of the old railway line will seek to close the permissive route.

This will be a massive shame if this were to happen as this route is used and enjoyed by many dog walkers such as myself, as one of the only walks in Collingbourne Kingston where you do not have to use walk alongside a main road. If this route is closed by the owner, we will be very limited as to where we are able to enjoy our walks.

I respectfully object to the proposed rights of way being turned into a restricted byway and urge you to consider my views when you are making your decision.

Yours sincerely,

Amanda Rogers

**Frances Rogers – Objection – Received on 05/07 at 20:09**

I am the daughter of Amanda Rogers who I understand has contacted you regarding this.

I would like to reiterate her thoughts. It is understood that if the proposed rights of way as shown in the Order are upgraded to a restricted byway, the owners of the old railway line will seek to close the permissive route.

This will be a massive shame if this were to happen as this route is used and enjoyed by many dog walkers such as myself, as one of the only walks in Collingbourne Kingston where you do not have to use walk alongside a main road. If this route is closed by the owner, we will be very limited as to where we are able to enjoy our walks.

I respectfully object to the proposed rights of way being turned into a restricted byway and urge you to consider my views when you are making your decision.

Yours sincerely,

Frances Rogers

**Todd O'Malley – Objection – Received on 05/07 at 21:35**

It's been brought to my attention that the old railway footpath in Aughton is under threat of closure, I am writing to you in the hope that this does not happen. If the track is upgraded to a restrictive byway the lady who owns it says she will close this as a permissive footpath.

It saddens me that someone would threaten the closure of this path as a means of getting their own way. However, the track is used by many in the village, and I can't stress enough just how much it would be missed if the closure were to go ahead.

Yours sincerely,

Todd O'Malley

**Theresa & David Pointer – Objection – Received on 06/07 at 08:39**

Ref- Wiltshire Grafton 29(Part), 29A, 30 and 31, Burbage 1 (Part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019

We understand that if the proposed rights of way as shown in the Order are upgraded to a restricted byway the owners of the old railway will seek to close the permissive route that we have enjoyed walking for a number of years.

This is the only direct link between Aughton and Collingbourne Kingston without having to walk along the busy main road A338.

Should this route be no longer available to walkers it will affect the enjoyment of many of the local residents who enjoy walking this permissive route every day.



Also when the River Bourne is in full flow the footpath route up to Spicey Buildings is inaccessible as there is not a bridge across the Bourne following the Environment Agency's decision to remove the stepping stones.

We wish to object to this footpath being turned into a restricted byway.

With kind regards,

Theresa & David Pointer

**Steve Clements – Objection – Received on 06/07 at 09:41**

As far as I understand, the council wish to change the use of the pathway to allow vehicle such as motorbikes to access the pathway. I also believe that if such a use is permitted, then the owners of the land on which the pathway is found will over rule the decision and close the pathway to all.

This pathway is used daily by dog walkers, joggers and hikers and is an important route for many people – especially in the current climate. To have the pathway opened up to motorbikes will set a precedent for vehicular access and potentially destroy the peace and quiet enjoyed by many on the path in question. To have the pathway closed to all would be an even bigger catastrophe and we need to do all we can to ensure the pathway is left just as it is with the rights of use not changed from the current status quo.

If you could confirm the situation and any further action we need to take as residents that would be great.

**Philip Palmer – Objection – Received on 06/07 at 09:53**

I find out with little notice to make my representations that there is a Council proposal to convert the said footpath from a permissive footpath to a restricted bridleway to allow off road motorcyclists to use the route; with the consequence that if this is done then the land owner will withdraw permission for anyone to use the pathway. I understand that there is a deadline of 5pm today for objections to be voiced.

In my view this proposal is simply unacceptable. I use this path almost daily to walk my dog as part of several circular walks, which without such access would not be possible. I have moved from London on retirement to enjoy the beautiful Wiltshire countryside and skyline and would not be keen therefore to share this route with the off road motorcycle 'hooligan' element that frequently plagues Salisbury Plain. It is bad enough that this peaceful environment is bisected by the A338 with all the thunderous traffic that pounds Collingbourne Ducis and Collingbourne Kingston relentlessly day and night, about which no one in authority seems to care. In the two years that I have lived here I have had numerous close brushes with a fatal accident involving that road as a road user (one of which was subject of a BBC news report), and know of two incidents where vehicles have collided with houses with no other vehicular parties involved. It is simply not proportionate or acceptable to open up this permissive footpath route unnecessarily to motorised traffic albeit off road

motorcycles, thereby exposing people quietly enjoying the countryside to risks from motorised traffic also. I have no problem with motorcycles, and own one myself but strictly for road use.

I would like to be kept informed of how this proposal proceeds please especially in view of the way that this proposal has been muted by stealth rather than open public consultation.

Furthermore I neglected to mention that the said permissive footpath is a haven for wildlife, particularly butterflies, which can be seen in perfusion along the route, such as the Marbled White, Peacock, Red Admiral, Painted Lady, Orange Tip, Meadow Brown, and moths, Cinnabar Moth and Cream Spotted Tiger Moth to mention just a few that I have seen along there. These insects are supported by a plethora of wild flowers including some quiet scare ones, most notably Common Spotted Orchid. All this will be severely disrupted by the churning up of the ground by off road motorcycle tyres and the depreciation of the air quality by vehicular exhaust, and the inevitable detritus that will be discarded on route. What would be a more laudable proposal would be to turn the route into a Site of Special Scientific Interest (SSSI) for future generations and the preservation of the resident wildlife.

I add this into the mix for consideration.

Yours faithfully,  
Philip M. PALMER

**Evelyn Harman – Objection – Received on 06/07 at 09:55**

It has been brought to my attention that Wiltshire Council are intending to upgrade the rights of way in the order at the above reference to a Restricted Byway and that if this happens the owners of the Old Railway Line are intending to seek permission to close the Permissive Route.

I have lived in Collingbourne Kingston for 40 years, I use the old railway line on a daily basis and during these tough times it has been a godsend to be able to walk for miles in a safe environment.

I wish to object to this footpath being turned in to a Restricted Byway.

Yours Sincerely

Mrs Evelyn Harman

**David & Helen May – Objection – Received on 06/07 at 11:01**

The above proposal to Modify the above Right of Way from a Footpath to Restricted Byway has come to our attention.

We note that the Collingbourne Kingston 34 section lies within the Flood Plain of the River Bourne and that area is under water for 4 to 5 months of the year when the Water Table rises annually. This would render the proposed Restricted Byway impassable and therefore inaccessible.

There would also be a Health and Safety Risk to users.

We object to the proposed modification for the reasons stated.

Yours faithfully

Mr and Mrs D B May

**Steve Latham – Objection – Received on 06/07 at 12:12**

I understand that the footpath from Aughton which follows the old railway line is under threat of closure. This is very disappointing and actually extremely inconsiderate under the current circumstances.

This is a regularly used footpath by mainly locals from Aughton, Brunton and the Collingbournes and is an extremely safe environment away from main roads for taking exercise both personally and for my dog. I live in Brunton and can easily access this from Spicey Dairy and have enjoyed the using the footpath for the last 5 years to walk with my family and friends. I currently use it on an almost daily basis to follow the lockdown rules of exercising close to home and not travelling further afield for this.

I would like to take this opportunity as a Parish Councillor, on behalf of the whole community, to strongly object to the proposed closure on the basis that this will affect many local residents by taking away an excellent and easily accessible means of enjoying the countryside and the health benefits associated with using the footpath.

Yours

Steve Latham

**Jack Edwards (Agent for Aughton Farm)**

Chairman, Members of the Planning Committee

My name is Jack Edwards and I speak as Agent for and on behalf of the owner of Aughton Farm, in relation to the proposed Modification Order seeking to upgrade the footpaths and bridleway to restricted byways and to raise a strong objection to this Order on their behalf.

Footpath CKIN34 runs alongside the River Bourne and when an inspection was carried out in January 2020 the river was not passable. It was too high to cross by foot and could certainly not have been crossed on a bicycle or horse. The photographs shown below confirm this.



If the proposed upgrade to a restricted byway is enforced it will become a route for cyclists, horse riders and potentially horse and cart. From the photographic evidence shown above it would clearly not be possible for this to happen given the very high levels of the river. If the Order is enforced clearly in the interests of safety there would have to be a responsibility on Wiltshire Council to create a bridge or some form of crossing point over the river (to the specified width) to allow users access across the deep river.

CKIN6A is a restricted byway that directly adjoins CKIN34 and there is concern that if the upgrade were to be approved albeit to a restricted byway it may be misinterpreted as being a Byway Open to All Traffic and vehicles/motorcycles may attempt to use the route.

The owner of the farm has no recollection of any use of the route apart from walkers on foot. He is not aware of any other users and an upgrade of the route to a restricted byway seems unnecessary and unmanageable given the proximity of the route to the river.

I urge you Chairman and Members of the Planning Committee to please take these points into account and consider the impact it will have upon my clients holding if the proposed upgrade comes into effect.

**Mr and Mrs Ward-Webb – Objection – Received on 06/07 at 14:25**

I am writing to you in relation to the attached notice to remove the footpath from Grafton 29, 29A, 30 & 31 to Collingbourne Kingston 43 as per the map modification order 2019.

I understand that the proposal is to close the footpath that residents have long used. This path is the ONLY way to walk from Aughton to Kingston. The path follows the main road which is used by 7.5 tonne articulated lorries day and night.

We absolutely need to keep this footpath and not close it as per the request of the owners of the old railway line. As a rural community we need to have safe access to surrounding villages.

I wish to formally object to turning the footpath into a restricted byway.

**Sandra Fisher – Objection – Received on 06/07 at 15:39**

We have heard about the proposed changes to Public Rights of Way in Burbage and Grafton which will impact Rights of Way, and a Permissive Footpath on the old railway line, in the Parish of Collingbourne Kingston. Apparently if this alteration goes through the owners of the old railway line will withdraw permission for walkers. We would ask that you consider this impact on the residents of Collingbourne Kingston before making this change, which would mostly benefit non-residents.

The old railway line is regularly walked because it is such a quiet pleasant place to be. The A338 through the village is a very busy road with much heavy traffic, and even where there is a pavement it is rather overgrown meaning that walking is only single file. There are some lovely Rights of Way either side of the village, which is in the valley of the Bourne, but they go up on to the downs and necessitate walking up fairly steep hills, which can be a bit much for we older residents, whereas the old railway line only has a gentle gradient. Where the route may need to cross the winter Bourne it should be appreciated that in a 'normal' winter it does have water in it for several months once the springs come up.

We are not against progress and feel very strongly that Rights of Way must be preserved and conserved, or it would be possible to live in the countryside but have no access to it. However, we ask if it is really necessary to have cross-country motorcycles using this area as a place to churn up the surface with revving engines, rather than it being a quiet countryside walk with a fairly firm base underfoot and birdsong and wildflowers in season on the banks of the cutting. It may be that it will never be used by traffic with noisy engines, but it seems that the possibility would be there once these changes have been made, and there has been a recent policed motorcycle problem on the Everleigh edge of Salisbury Plain.

Thank you for your consideration,

John and Sandra Fisher

**Dominic Jackson – Objection – Received on 06/07 at 16:17**

Regards the above notice to change the use of the path commonly known as the old Railway Line. This path is a necessity for the population of Aughton, Brunton, Collingbourne Kingston. It is used daily by myself to walk my dogs and to give myself the vital relaxation and calmness this pathway gives. I also notice it is regularly used by many other local residents and others.

The present Pandemic has highlighted the desperate need for a safe and relaxing area to exercise in these very difficult and challenging times. This area and the ability to walk it freely has helped with reducing anxiety and given me the ability to think clearly and positively during this time after having lost my job. There is nowhere safe and peaceful to walk in the village. There are limited paths and I remind you of the fact the A 338 is a major road used by heavy trucks as a rat run between the M4 and A303 with one every minute driving through the village. The old railway is the only place to walk in the village without the fear of these lorries.

These are my reasons for objecting to turning the footpath into a restricted byway.

Best Regards  
Dominic Jackson

**Fiona Allen – Objector – Received on 06/07 at 16:34**

I read with dismay today that there is a chance the walkway along the old railway line in Aughton is to be closed to walkers.

This walk is used daily by myself and others locally. It is a communal meeting place to chat and it has been a life-line to me and many others during this ongoing pandemic.

Young and old enjoy this resource and have been doing so for many years. It must not be denied to people. We have tourists to the area for the walking and views, when the Bourne is in full flow where are people going to walk from village to village?

I recently had to walk along the A338. No pavements, thundering lorries, cars and indeed a Police car hurled past me. It was a completely frightening and potentially dangerous situation.

Please take this as plea not to restrict our access to this vital and necessary footpath. If you do, it will have a major impact on the health and well-being of residents and to our tourist and visitor friends.

Kind Regards

Fiona Allen

**Kate Gore – Objection – Received on 06/07 at 16:41**

I understand that the above proposed rights of way amendment has been requested, meaning that the current permissive byway will be changed to a restricted byway.

It is my belief that this change will have significant health and safety impacts should it go ahead, both within Aughton itself (due to increased potential traffic using two blind bends in the village) and also on the footpath itself.

The footpath is used extensively by families with young children- such as ourselves - and elderly residents; both would be placed at risk should anything other than recreational walkers be allowed.

We would like to state our desire for the footpath to remain a permissive one.

**Statements of Support**

**Rosie Park – Support – Received on 01/07 at 19:14**

I have lived near East Grafton for over 30 years and am desperate to improve the off road network here for riders and cyclists.

If successful this new path would link with byway CKIN6A, which would be a great addition for riders in the East Grafton/Burbage/West Grafton area, where I live and ride. As someone who has ridden in this area for over 30 years, I can assure you that the roads are increasingly busy and dangerous for all user groups, not just horse riders.

If this route was upgraded, it would create a safe route for riders and cyclists, enabling them to link up with the byway networks of GRAF20 and GRAF2, 15 and CKIN2 to the east and CKIN1A, CKIN20, BURB33 and EROY14 to the west. At the moment there is no safe, rideable network and consequently cyclists and horseriders are at risk as the local roads are very narrow and often busy-even crossing the A338 can be very hazardous. I was nearly hit by a bin lorry at East Grafton last week, and my horse jumped up a bank into a garden to avoid it.

A horse was killed on the roundabout at Burbage not long ago, and the rider will never regain full use of one of her hands.

I would urge the landowners to re-think their objections; there would be no need for any additional gates or infrastructure, assuming that the arable nature of the farms around continue as they are.

kind regards

ROSIE PACK

**Annabelle Roycroft – Support – received on 02/07 at 14:51**

Please find below my submission to the Eastern Planning Committee Meeting on 9th July, in support of the application to upgrade footpath CKIN34 and GRAFTON30 into restricted byways.

Wildlife and Countryside Act 1981 s.53

The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019

For background, I live at Kinwardstone Farm, Burbage SN8 3BU so this application is very relevant to me. I keep horses and ride with my young children - we also have dogs and like to cycle so we are active users of the footpath and bridleway network.

I feel there is a strong safety argument in favour of this application given that the roads around here are both busy and fast. The A338 from the Burbage roundabout towards East Grafton and south from to Collingbourne are essentially unrideable so having a parallel bridleway is really important.

Currently, the bridleway BURB1 suddenly stops and becomes a footpath so anyone riding has to turn around. If this application were to go through, it would create a safe route for riders and cyclists, enabling them to loop into the byway networks of GRAF20 and GRAF2, 15 and CKIN2 to the east and CKIN1A, CKIN20, BURB33 and EROY14 to the west. At the moment there is no safe, rideable network and so we are putting cyclists, riders and horses at risk because the roads around here are so busy.

Yesterday I walked the path that is under consideration and at the moment, because the landowner has rerouted it along a dirt road and then onto the disused railway line, the route would be absolutely perfect for horses and bicycles with no need for gates or any other costly infrastructure.

I urge the Committee to support this application, not least because in June Wiltshire Council appealed for suggestions to road layouts to make more space for pedestrians and cyclists. Approving this application would therefore complement the Council's own policy to make travel greener and safer.

Many thanks,  
Annabel Roycroft

**Bill Riley – Support (Applicant) – received on 02/07 at 15:36**

To Members of the Eastern Area Planning Committee

Dear Members,

The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and



Collingbourne Kingston 34 Definitive Map Modification Order 2019

As the applicant for this Order, it will come as no surprise to learn that I support its confirmation.

I urge Members of the Committee to be guided by the evidence, and the public interest. Private interests have served this ancient highway ill. Roadside boundaries that I remember have been removed, and significant lengths of the road ploughed out and not reinstated, contrary to law.

When confirmed as a Restricted Byway, it will no longer be lawful to plough the right of way; and walkers, horse riders, cyclists and carriage drivers will all be able to enjoy it once the surface has been restored.

I am too old to reap any benefit from my application, but the next generations will be able to appreciate it; and I still have fond memories of past use before parts of the road were despoiled by uncaring landowners.

Please resolve to support the Order as made.

Kind regards,

Bill Riley

**Chiara Staples – Support – Received on 02/07 at 15:55**

I have heard about an initiative to convert a Burbage footpath into a restricted byway to increase options of riding/cycling between Burbage and Easton Royal. I am a horse rider as well as an occasional cyclist and I whole-heartedly support this initiative. I look forward to further updates on this front.

**Hannah Sykes – Support – Received on 02/07 at 15:57**

Hello I am a local horserider, and the upgrade from footpath would make a difference to my riding, as I often ride through Easton Royal, and it would make a circular route for us to use. Our roads make many of our routes inaccessible due to the speed some drivers go at.

**Deborah Leighfield – Support – Received on 02/07 at 17:23**

I'm a local rider and resident in Burbage, Wiltshire and completely support the proposed upgrade.

I'm happy to offer any help and assistance if needed.

**Eileen Devenish – Support – Received on 03/07 at 15:03**

I am writing in regard to the current application to upgrade footpaths CKIN34 and GRAFTON30 to restricted byways which would connect with byway CKIN6A.

I would like to support the application sent in by Mrs Ryecroft requesting that horse riders, cyclist and walkers would benefit hugely by having this footpath upgraded and linked in to the restricted byway.

I ride regularly at Suddene Park Farm, Burbage and use the bridleway at West Grafton on a regular basis but in order to do so I have to ride along the A338 for a short distance where the traffic travels at excessive speeds. It would however be so much safer and enjoyable to have a bridleway that linked up so that we didn't have to ride along the very busy road at all.

**Peter Gallagher on behalf of The Ramblers Swindon and North East Wiltshire Group – Support – received on 04/07 at 16:39**

This order, if confirmed, would offer little benefit to walkers as they are already able to use the whole of the route. However, as a general principle, we support the rights of other non-motorised user groups to be able to use routes where the historical evidence shows that they would previously have had access. We have not ourselves researched the history of this route but the Council's officers have done so and there is very strong evidence to support the making of the Order. We therefore support the Order.

I would respectfully disagree with Mr Edwards' statement in his email objection on behalf of the landowners dated 3 February that *"To date the owners have respected all rights of way crossing their property and go above the requirements to ensure that the public are able to use these routes at all times"*. In my experience, footpaths GRAF29A and GRAF30 which cross the arable field are not always reinstated after ploughing or sowing of crops. However, I agree that the provision of the permissive route as an alternative is very helpful and I understand the landowners' concerns about the impact of the Order on their farming operations.

I see that, in her letter to Mr Edwards, Ms Madgwick has referred to the possibility of diverting the right of way along the permissive route. It seems to me that the old railway line is likely to be ideally suited for use by cyclists, horse-riders and carriage drivers as well as by walkers and it is disappointing to be told that the landowner would not agree to this. Were an application to be made to divert the path onto this route I would be willing to recommend to my Ramblers colleagues that we should support it.

**Norman Beardsley (Wiltshire Bridleways Association) – Support – Received on 05/07 at 20:13**

Members of the Eastern Area Planning Committee.

Your Ref:- SAM 2004/07

Dear Councillors.

Wildlife and Countryside Act 1981 sec 53. The Wiltshire Council Grafton 29 (part), 29A, 30 &31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019.

The Committee Members of The Wiltshire Bridleways Association wish to confirm their strong support for the Order as made dated 06 December 2019.

Confirmation of the Order will provide safer access to these, and additional Public Rights of Way as already recorded of the Definitive Map and Statement within the parishes of Collingbourne Kingston, Grafton, Burbage and beyond, without the necessity to navigate the obvious dangers of travelling along the busy A338 road. Not only will this enhance the safety of riders, their horses and cyclist, but also users of motor vehicles as it will no longer be necessary to navigate around this vulnerable group of users.

The Committee of The Wiltshire Bridleways Association therefore urge the Members of the Eastern Area Planning Committee to consider the historical evidence, coupled with the enhanced safety aspect, and vote in favour of confirming the Order.

The Wiltshire Bridleways Association Committee also urge the objectors to this Order to seriously consider the safety issues and withdraw accordingly.

Yours sincerely  
Norman Beardsley

**Mr and Mrs Darman – Support – Received on 06/07 at 14:29**

Link to CKIN 2001/01 in RoW Section 31 Deposits  
[http://www.wiltshire.gov.uk/row/sect31deposits/getdeposit.php?sect31\\_id=62](http://www.wiltshire.gov.uk/row/sect31deposits/getdeposit.php?sect31_id=62)

I have been a resident in Aughton for 34 yrs, and amazed to here the dis-used railway line is to be changed to a by-way, no longer being a foot path. I think this is a bad move as there is no where else to walk without going up huge hills out off the village, it is a place well walked path by all ages please keep this path open as a foot path

**A Perritt – Support – Received on 06/07 at 14:52**

I'm sending this e-mail in regards to the proposed bridleway in Burbage. My Dad and Step-Mum have a DIY Livery Yard in Burbage and regularly ride out with the horses. I think the bridleway would be a great asset and would get use on a daily basis. I'm all for the bridleway.

**J Russett – Support – Received on 06/07 at 14:54**

Wiltshire Bridleways Association have applied to upgrade a footpath to a Restricted Byway that will make a round route between Spicey Buildings and Burbage, then across to Easton Royal and beyond.

I am a local horse rider with two horses kept within the village of Burbage. This new bridle way would be very much appreciated and used by myself as well as many others due to a very limited number of off road routes available for use.

The roads around our village are becoming more and more dangerous due to the amount of traffic, so a round route off road will help prevent accident occurring in the future.

I wish you all the success with the application.

**E Dunton – Support – Received on 06/07 at 14:57**

Please take this email as support for the proposed new bridleway.

**S Wearing – Support – Received on 06/07 at 14:59**

I write regarding the current application to upgrade footpaths CKIN34 and GRAFTON30 to restricted byways which would connect with byway CKIN6A which both Annabel Roycroft and Rosie Pack have brought to my attention.

I live locally and daily ride horses in and around the network of roads and local rights of way in Burbage. I agree with Annabel & Rosie that there is a strong riding safety argument in favour of the application given that the roads around here are both busy and fast. Both the A338 from the Burbage roundabout towards East Grafton and the road south from the roundabout to Collingbourne are essentially unrideable so having a parallel bridleway is really important. Currently, the bridleway BURB1 suddenly stops and becomes a footpath so anyone riding has to turn around. If this application were to go through, it would create a safe route for riders and cyclists, enabling them to loop into the byway networks of GRAF20 and GRAF2, 15 and CKIN2 to the east and CKIN1A, CKIN20, BURB33 and EROY14 to the west. At the moment there is no safe, rideable network and so we are putting cyclists, riders and horses at risk because the roads around here are so busy.

So I would like to add my support to the upgrade to this route which would offer considerable safety benefits along with increased leisure opportunities for local people.

**H Greenwood – Support – Received on 06/07 at 15:04**

Hi I am a local horse rider (based in Collingbourne Kingston) who has event horses who needs lots of hacking and we may be losing our access to the farm at the back of our land as it is up for sale so the proposal in place to open up Burbage footpath as a byway would be fantastic as we can hack there already on a byway.

Would be interested to attend the meeting on the 9 th July if it open to the public If you require any more information

**E Goodman - Support – Received on 06/07 at 15:10**

I am a rider living in Wilton would very much welcome The upgrading of the footpath toa Bridleways suggested by Wiltshire Bridleways. It would enable us to take A circular route which is so much more satisfying.

**R Hope - Support – Received on 06/07 at 15:17**

I was sent an email from Rosie Pack & Mel Cooper regarding the possible opening up of this bridleway. I am a local (Burbage) rider who would much appreciate this to happen. Only last Wednesday I was thrown off my horse by a tractor coming up the road & incurred severe bruising so I urge you to action this....it would make such a difference to us local riders.

**Melanie Cooper - Support – Received on 06/07 at 15:17**

I run a diy grass livery in Burbage and would welcome more off road riding in the local area This is some thing personal to me as in 2018 myself and my horse got hit on the A338 at Burbage by a lorry so opening up more off road is essential for horse and riders safety

**D Jopling - Support – Received on 06/07 at 15:15**

I fully support this upgrade as a horse rider I would find this most useful

**Parish Council Statements**

**Nigel Baybrook - COLLINGBOURNE KINGSTON PARISH COUNCIL – received on 06/07 at 15:11**

The Collingbourne Kingston Parish Council are familiar with the proposals of Wiltshire Council as set out in their report and recommendations dated November 2019.

The proposed modifications affect land owned by W R Curnick Ltd who are also the owners of the disused railway track which runs north/south to the east of the modification route.

If the proposed modifications are approved, it is the stated intention of that landowner to close the Permissive Way that currently runs along this railway track north of Aughton.

The disused railway track, which is on an embankment for part of its route, has, for many years, been used by residents of Collingbourne Kingston and, more particularly Aughton for running, general exercise and walking dogs. It can also be used as pedestrian access to West Grafton and Burbage, there being no footpaths adjacent to the A338.

For a part of the year the valley of the River Bourns becomes flooded, particularly to the west of the old railway track and the Collingbourne Kingston right of way 34 becomes unusable for pedestrians and horse riders. Other parts of the modification route are likely to be affected from time to time.

Whilst it is accepted that the procedural issues that emerge from this legislation must be followed and that its prime purpose is to confirm the existence of ancient rights, the practical effects cannot be disregarded.

The Parish Council therefore request that a decision might be deferred for a short period to give the opportunity to resolve conflicting issues.