

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 20/04702/FUL

Agent TFH Reeve Donhead Mill Scotts Hill Donhead St Andrew Shaftesbury SP7 9EP	Applicant Ashcombe Estates Ashgrove Farm, Higher Ashgrove Ashmore SP5 5AW
Particulars of Development: Application for permission for 4 temporary cabins around Ashgrove Lake and a Safari Hut to supplement the shoot accommodation and to be removed after a period of 2 years.	
At: Ashgrove Farm, Higher Ashgrove, Ashmore, Salisbury, SP5 5AW	

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

- 1 The four cabins and the safari tent and all of their supporting structures and frames shall be removed from the site on or before 31st December 2022. The land shall be reinstated to its original condition as grassed banks to the middle lake, as shown on the existing lakeside banks photograph received 9 June 2020.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal of the buildings for which permission can be justified in this location only on the basis of a special temporary need.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref 1132/72 dated 6/2019
Cabin and Safari Tent Locations ref 1132/67C dated 6/2019
Cabin Indicative Section ref 1132/72 dated 6/2019
Cabin Proposed Plans ref 1132/71 dated 6/2019
Cabin Proposed Elevations ref 1132/70 dated 6/2019
Safari Fishing Cabin Details ref 1132/68 dated 6/2019

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby approved shall be carried out in strict accordance with the information provided in the Biodiversity Survey/Assessment (Lowans Ecology & Associates V1, 27/09/2020). In particular, all enhancements listed under 'Section 6 (Recommendation, precautionary mitigation measures and enhancements) Planting of the Lake' will be carried out in accordance with the timetable set out in the report or before the cabins and safari tent hereby approved are installed on site, whichever is applicable.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination, and to comply with CP50 and the NPPF (2019).

- 4 Prior to the installation of any of the four cabins hereby approved, two A-Frame Barn Owl boxes will be installed close to suitable foraging habitat away from the development and other potential disturbance. The siting of the boxes will be determined by the licensed Barn Owl ecologist.

REASON: To make adequate long-term provision for the nesting and roosting of Barn Owls in order to maintain/enhance their local abundance and distribution.

- 5 No external light fixture or fitting shall be installed on any of the temporary buildings (cabins and safari tent) or within the application site until a detailed lighting plan has been submitted to and approved in writing by the LPA. Any lighting shall be designed to ensure that non-polluting lighting is used and to a minimum to ensure that the AONB International Dark Sky Reserve status is maintained. The finish of the proposed timber and canvas materials for the buildings and the lighting plan shall incorporate the recommendations in:

- Fact Sheets & Good Practice Notes Number 6 Good Practice Note Colour and Integrating Developments into the Landscape, prepared by Cranborne Chase and West Wiltshire Downs AONB, January 2013.
- Position Statement Number 1 Light Pollution, prepared by Cranborne Chase and West Wiltshire Downs AONB, November 2007.
- Fact Sheets & Good Practice Notes Number 7, prepared by Cranborne Chase and West Wiltshire Downs AONB, January 2016.

The development shall be implemented in accordance with the agreed details in the lighting plan.

Reason: A detailed lighting plan has not been submitted and special consideration should be given to maintaining the AONB International Dark Sky Reserve status. These measures are suggested to ensure that the proposed development contributes to, rather than detracts from, the conservation and enhancement of the scenic beauty and character of the Cranbourne Chase AONB. Furthermore, the introduction of artificial light is likely to mean that wildlife species are disturbed and/or discouraged from using the area. Such disturbance may constitute an offence under relevant wildlife legislation.

- 6 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the materials identified on drawings ref 1132/70 and 1132/68 hereby approved.

REASON: In the interests of visual amenity and the character and appearance of the area.

INFORMATIVE

Rights of way TROY 1:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

Signed

Sam Fox

Director Economic Development & Planning

Dated: 03 November 2020

Town and Country Planning Act 1990
PERMISSION FOR DEVELOPMENT
NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work
6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.