Development Management,
Wiltshire Council,
Bythesea Road,
Trowbridge,
Wiltshire,
BA14 8JN

Your Reference: 18/11700/FUL
Our Reference: AGM 2023 003

Site Address: Land at Combe Barn, Grittleton, Chippenham, SN14 6AQ.

19th of July 2023

Dear Sir / Madam,

RE: 'Lawful Development Certificate: Existing Use' Application Relating to the Lawful Commencement of Planning Permission 18/11700/FUL.

We have recently been appointed by our client (Mr Clive Anstey and Mrs Annabel Anstey) with regards to planning application 18/11700/FUL, which was for the conversion of an agricultural building to form a single dwellinghouse (Use Class C3), associated curtilage and access driveway on Land at Combe Barn, Grittleton.

The application was permitted on the 28th of March 2019 and had an associated expiry date of the 28th of March 2022. As part of its consent, the permission had a total of 10 conditions attached to it, of which Condition 1 required commencement of the development within a time period of three-years (or before the 28th of March 2022). Furthermore, both Condition 3 and Condition 5 were considered to be Pre-Commencement. For ease, these Conditions relate to the following matters:

3 No development shall commence on site until a detailed scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

and

5 No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

A copy of the Decision Notice for planning application 18/11700/FUL can be found at **Appendix A**.

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T: 01225 681589
E: info@agm-ltd.co.uk
W: www.agm-ltd.co.uk

Following the approval of this consent, a discharge of conditions application was submitted to Wiltshire Council in August 2020 and subsequently approved in November 2020 (Ref: 20/06526/DOC). This confirmed that the submitted material appropriately satisfied both Pre-Commencement Condition 3 and Condition 5.

A copy of the Decision Notice for this application can be found at **Appendix B**.

During the course of later planning applications on the land, it has been determined by Wiltshire Council that this permission had subsequently expired (See Officer's Report for application(s) PL/2022/04774 and PL/2022/04708). However, it is of our professional opinion that planning permission 18/11700/FUL is still live and valid as development had formally 'begun' before the associated expiry date (the 28th of March 2022).

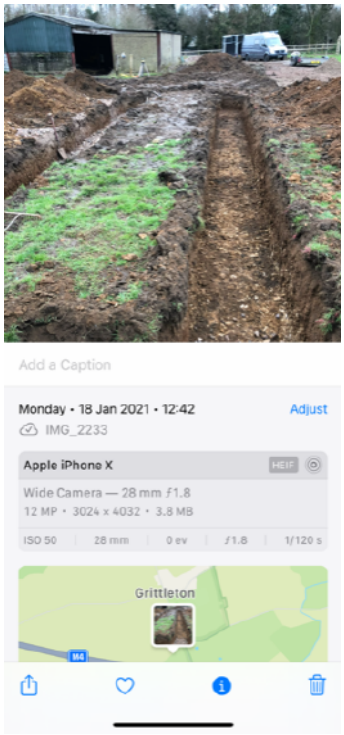
It is up to the person applying for a Lawful Development Certificate, for an existing use, to show the proper evidence; therefore, please find attached to this application the following documents to assist this CLEUD application:

- Evidence of Installation of the Drainage System - AGM 2023 003
- Invoice from Gernonn Builders PW-FOSCOTE (dated 10 February 2021)
- Invoice from P&W Construction Limited (dated 10 February 2021)
- Declaration - AA Signed
- Declaration - CPA Signed

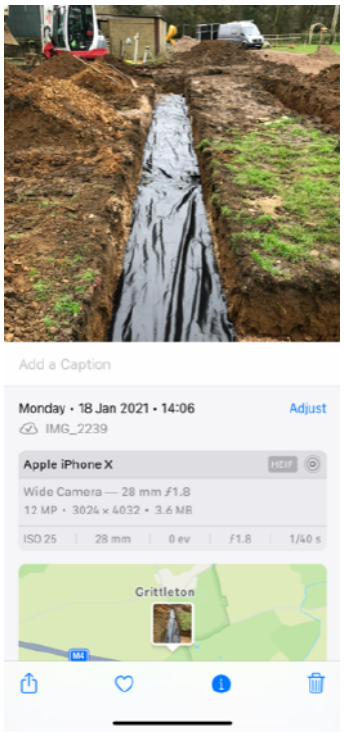
As can be demonstrated from the submitted material, the associated drainage system was installed during the month of January 2021. These images have been timestamped to the date of the 18th of January 2021 which is well before the associated expiry date.

Some of the images contained within this document have been replicated below for ease:



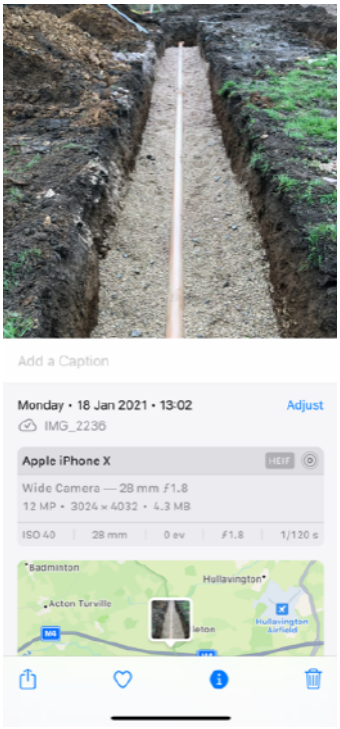






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The above demonstrates the drainage system being fully installed and in situ on the land.

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It has also been confirmed by the applicants that the installation of this drainage system was in strict accordance with the submitted material that was approved by Wiltshire Council as part of the Discharge of Conditions application.

Furthermore, and as can be evidenced through both associated Invoices, the installation work(s) were completed by February 2021. This a whole year before the application's associated expiry date of the 28th of March 2022.

Section 55 (1) of the Town and Country Planning Act 1990 provides a legislative definition of 'development'. It states that:

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Section 55 (1A) further adds that:

"For the purposes of this Act 'building operations' includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder."

Considering a substantial amount of earthwork was required and carried out to install the drainage system (both on and under land), it is considered as part of this application that the development had formally begun and therefore the permission should be considered extant. It is of our opinion that the installation of this drainage system is intrinsically linked to planning permission 18/11700/FUL and this is best evidenced through its compliance with Conditions 3 and 5 attached to the original consent.

Furthermore, as can be evidenced through the associated Invoices, the installation of this system required the professional expertise of two building companies. The installation is therefore considered to be a 'building operation' when assessed against the definition contained within Section 55 (1A).

We are completely understanding and appreciative that the application site in question has been subject to a varied planning history. Notwithstanding this matter, it is of our professional opinion that for the reasons aforementioned above, the original planning permission (18/11700/FUL) should be considered extant by Wiltshire Council.

Your confirmation to that effect would be greatly appreciated.

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E: info@agm-ltd.co.uk
W: www.agm-ltd.co.uk

Should you have any questions, or require further information, please do not hesitate to get in touch with myself on the details below.
I look forward to hearing from you in due course.

Yours Faithfully,

John White

CEO

M: 07836 506969
T: 01225 681589
E: john@agm-ltd.co.uk

Enc:

- Evidence of Installation of the Drainage System - AGM 2023 003
- Invoice from Gernonn Builders PW-FOSCOTE (dated 10 February 2021)
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Appendix A

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 18/11700/FUL

Agent Kernon Countryside Consultants Ltd. Greenacres Barn Stoke Common Lane Purton Stoke Swindon SN5 4LL	**Applicant** Mrs M Richardson Foscote Cottage Foscote Grittleton Chippenham SN14 6AD
Particulars of Development: Conversion of an agricultural building to form a single dwellinghouse, associated curtilage and access driveway.	
At: Land East of Foscote, Grittleton,	

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 development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plans as received by the LPA 11/12/18:
Site Location Plan (KCC2667/01 11/18/rm, Dated: Nov 2018);
Block Plan (KCC2667/02 11/18/rm, Dated: Nov 2018);
Proposed Elevations and Floor Plan (KCC2667/03 11/18/rm, Dated: Nov 2018); and
Existing Elevations and Floor Plan (KCC2667/04 11/18/rm, Dated: Nov 2018).
Plan as received by the LPA 06/03/19:
Landscaping Plan (KCC2667/07A 03/19cb, Dated: March 2019).
And materials in accordance with details specified on the application form and Supporting Statement (Dated: December 2018).

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

3 No development shall commence on site until a detailed scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

4 The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

5 No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

6 The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

7 Former agricultural use of the site/building may have given rise to potential sources of land contamination e.g. asbestos within the structure. As it is now intended to use the site for residential purposes a statement/letter must be provided which confirms the historical uses of the site/building and how development works will address any potential for land contamination which may exist. The strategy must be agreed in writing by the Local Planning Authority and fully implemented prior to the occupation of the dwelling.

REASON: To ensure that land contamination can be dealt with adequately prior to the residential use of the site

8 No paint or visible stain finish shall be applied to external timber until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

REASON: In the interests of visual amenity and the character and appearance of the area (AONB)

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses

and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- INFORMATIVE TO APPLICANT:
The applicant would be advised to contact the area office for a vehicle crossover license with details of the proposed access arrangement. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

- INFORMATIVE TO APPLICANT:
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- INFORMATIVE TO APPLICANT:
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

  If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- INFORMATIVE TO APPLICANT:
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- INFORMATIVE TO APPLICANT:
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- INFORMATIVE TO APPLICANT:
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to

the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Signed

Alistair Cunningham

Corporate Director
Growth, Investment, & Place
Dated: 28 March 2019

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.

Appendix B

Wiltshire Council

04 November 2020

Development Services
Wiltshire Council
Tel: 0300 456 0114
Email:developmentmanagement@wiltshire.gov.uk
www.wiltshire.gov.uk

Mr Clive Anstey
296 Vantage House
Lowden
Chippenham
Wiltshire
SN15 2BP

Dear Sir/Madam,

Discharge of Condition

Application No: 20/06526/DOC

Proposal: Discharge of conditions 3 and 5 of 18/11700/FUL

Site Address: Combe Barn, Grittleton, Chippenham, Wiltshire, SN14 6AQ

On Behalf of: Mr Clive Anstey

I write following receipt of your recent letter, regarding the discharging of conditions 3 and 5.

I can confirm that the details submitted satisfy the following conditions of the above planning application and that these have been found to be acceptable.

3. No development shall commence on site until a detailed scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the development can be adequately drained

5. No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the development can be adequately drained

Yours faithfully

Mike Wilmott
Head of Development Management

Officer's Name: Rose Fox
Officer's Title: Planning Officer
Direct Line: 01249 706752
Email: rose.fox@wiltshire.gov.uk