Planning Statement

Collis Farm, Upper Chute, Andover, Hampshire

Prepared For

C & A Hamblin

9166

July 2023

bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, Unit 2, Meridian Office Park, Osborn Way, Hook, Hampshire RG27 9HY

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1 INTRODUCTION

1.1 This Planning Statement is prepared in support of an application which, in essence, seeks to correct errors made, historically, by the Council in issuing planning permission for development at Collis Farm, Upper Chute, Andover ("the Site").

1.2 Permission is sought, via this Application, for the existing dwelling together with access and entrance gates which are positioned 7.5m from the carriageway. All of these elements have previously been approved, but due to the aforementioned procedural/typographical errors, the applicant wishes to obtain a clean planning permission for the Site which makes clear that all development at the Site has been authorised and is lawful.

The Site and its Surroundings

1.3 Collis Farm is accessed via Malthouse Lane in the Chutes. Figure 1 below shows the Site location outlined in red.



Figure 1 Site Location

Planning History

1.4 The planning history of relevance to this Application is as follows. Permission was granted, in May 1994, for change of use of buildings and land at Collis Farm to equine use, including veterinary use (reference **K/21467).**

1.5 In February 2001, under reference **K/038132**, planning permission was granted for "provision of a new vehicular access and drive, new dwelling, isolation boxes and deletion of conditions 2 and 6 of K/21467 in respect of no. of employees and a consent personal to the applicant." The plans are not available on the Council's electronic file, but the condition on the decision notice links to drawing references 00850-04 (23 March 2000) and 00850-03 rev.B (1 June 2000).

1.6 This permission was subject (inter alia) to the following conditions:

- Condition 01 requiring implementation by 13/02/2006;
- Condition 08 requiring the entrance gates be set back 12m from the edge of the carriageway and only open inwards;
- Condition 11 restricting occupation of the dwelling to a person solely or mainly working or last working at Collis Farm, or a widow or widower of such person, and to any resident dependents.

1.7 Later that same year, in October 2001, permission was granted for an amended design of this house (and allowing for inclusion of a garage), under reference **K/040916**. The plans are not available on the Council's electronic file, but the decision notice states that it "relates to the scheme of development submitted" (in so far as amended by landscaping details submitting in April and May 2001).

1.8 The design of the house, submitted and approved in K/040916, is that which was built at the Site. Provided at Appendix A to this Planning Statement are copies of the plans for the house as built. These are not the same plans referenced in the earlier decision notice K/038132 (they are dated after that date and have different reference numbers). Construction of the approved dwelling commenced in 2002 and was completed in 2003.

We have set out below a comparison of the house as built, and the approved plans of permission K/040916.

1.9 The description of development recorded on the Council's files for K/040916 is "Amendment to house design approved under K/038132" but it is also described as a full planning application rather than an amendment to the earlier application. Either way, it resulted in an additional standalone permission, without altering the earlier permission. Either permission could have been implemented. Based on a review of the plans, and the approved details, it is clear that it was the latter which was implemented, not the earlier. That later permission (K/040916) is subject (inter alia) to the following conditions:

- Condition 01 requiring implementation within 5 years; and
- Condition 04 restricting occupation of the dwelling to a person solely or mainly working or last working at Collis Farm, or a widow or widower or such a person, and to any resident dependents.

1.10 In 2005, an application was made, under s73 of the Town and Country Planning Act 1990 (as amended) (Application reference **K/52370/VAR)**, to amend the conditions of the earlier permission for the dwelling. In particular, that application sought approval for the entrance gates to be positioned 7.5m back from the carriageway, rather than 12m as required by the conditions imposed). This application was granted on 29 July 2005. A copy of the application form and Site location and block plan is provided in Appendix B to this Planning Statement. These make clear that the applicant did not specify explicitly which of the earlier permissions they sought to amend. It is clear from the plans submitted with that s73 application (K/52370/VAR), that it related to the dwelling as authorised under K/040916 rather than that authorised by K/38132. The intention, clearly, was to amend the extant permission under which the dwelling had been built in 2002-03 (K/040916), not the earlier permission (K/038132).

1.11 However, in granting application K/52370, Kennet District Council (as it was at the time) added the following wording in the particulars of development on the decision notice:

"Siting of entrance gates 7.5m back from highway (variation of condition on planning permission K/38132)"

1.12 With hindsight, it should have included a reference to K/040916 (which authorised the dwelling, as built) rather than K/38132 (the earlier permission). A copy of the decision notice is provided in Appendix C. It appears that the decision maker was considering the correct collection of buildings on site, but simply added the wrong reference number in the particulars. Therefore, it is understood to be a typographical error. This does not alter the fact that the Council found the siting of the entrance gates at 7.5m to be acceptable, in planning terms.

1.13 In 2018, a Certificate of Lawfulness was issued (under reference **18/09445/CLE),** allowing for continued occupation of the dwelling, which had been built in 2002/3, without compliance with the occupancy restriction. As described in that application, the dwelling was originally occupied in compliance with the condition, but the business model changed and no longer operates as an equine hospital, so the occupants have not worked at Collis Farm for many years now. The Council were satisfied on the basis of the evidence provided that the dwelling at Collis Farm had been occupied in breach of that restriction for a continuous period in excess of 10 years without interruption. Therefore, there is no longer any occupancy restriction on the dwelling.

Mechanism for Resolving Error

1.14 We have considered the possible mechanisms for regularising this position and have set out our thoughts on these below:

a) Minor Material Amendment (s73) – an application to amend the conditions on an existing consent (for example, amending K/52370/VAR to make clear it allows for the dwelling as built, not the earlier dwelling design which was not built). A s73 application would result in the issue of a new standalone permission. This process cannot be used to amend the description of development on the original consent following the Court of Appeal decision in *Finney v Welsh Ministers* [2019]. It would not be possible, therefore, to use the s73 process to regularise this error, as the error (which refers to the wrong

original permission) is contained within the 'particulars of development' clause of the decision notice.

b) Revocation of planning permission where considered expedient (s97) and payment of compensation by the LPA to the applicant (s107) for work which is rendered abortive by that revocation or for losses incurred by them as a result. This is not considered appropriate, given the fact the development itself was found to be acceptable, and the payment of compensation would not be a good use of limited public funds.

c) Judicial review of the decision to grant permission. Given the number of years since the decision was issued this is no longer an option.

d) Submit a full planning application, to obtain a fresh standalone planning permission which authorises the development previously authorised. It is this mechanism that we have chosen to utilise to ensure clarity moving forward.

2 THE APPLICATION

2.1 The Application is supported by the following plans:

- Location and Block Plan (PTAD/060623/01 June 2023)
- Elevations (Existing and 'Proposed') (PTAD/060623/02 dated June 2023)
- Floorplans (Existing and 'Proposed') (PTAD/060623/03 dated June 2023)

2.2 All of the development shown on those plans is already lawful, as set out below. This Application therefore seeks permission for development which has already been found to be acceptable in planning terms. This fact is a material consideration of very substantial weight in the planning balance.

2.3 We now set out detail confirming that the dwelling as built is consistent with that of the approved plans for K/040916, and K/52370/VAR. Where there are minor areas of variation, we have highlighted this.

2.4 Figure 2 below shows the west elevation of the dwelling, as approved under K/040916 and as built/ standing today. The only variations of note on this elevation are that internally, the garage is being used as habitable space (which is not development requiring planning permission); the garage door was swapped for windows. These changes were made 20 years ago, around the time of construction, and as such are lawful.



Figure 2 West elevation, as approved under K-/040916, and recent photographs taken in 2023

2.5 The northern and southern elevations as built (see photos) are as per the approved plans for K/040916, with the exception of the chimney breast on the southern elevation which was never built (this can be seen in the recent photograph on the left in Figure 4). As such, this arrangement has been in place for over 20 years.



Figure 3 North and South Elevations as Approved under K/040916

2.6 Figure 4 shows the eastern elevation as approved and as built. The absence of the chimney breast can be seen, on the southern elevation (to the left of the image), and rooflights were also added via permitted development rights (as allowed under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO) which allows for alterations to the roof of dwellinghouses).

2.7 The entrance gates are shown in Figure 5 alongside an extract of the approved plan from K/52370/VAR showing the approved positioning of the gate (which is consistent with what was built and can be seen on site today).



Figure 4 Eastern Elevation as Approved under K/040916 and recent photographs taken in 2023

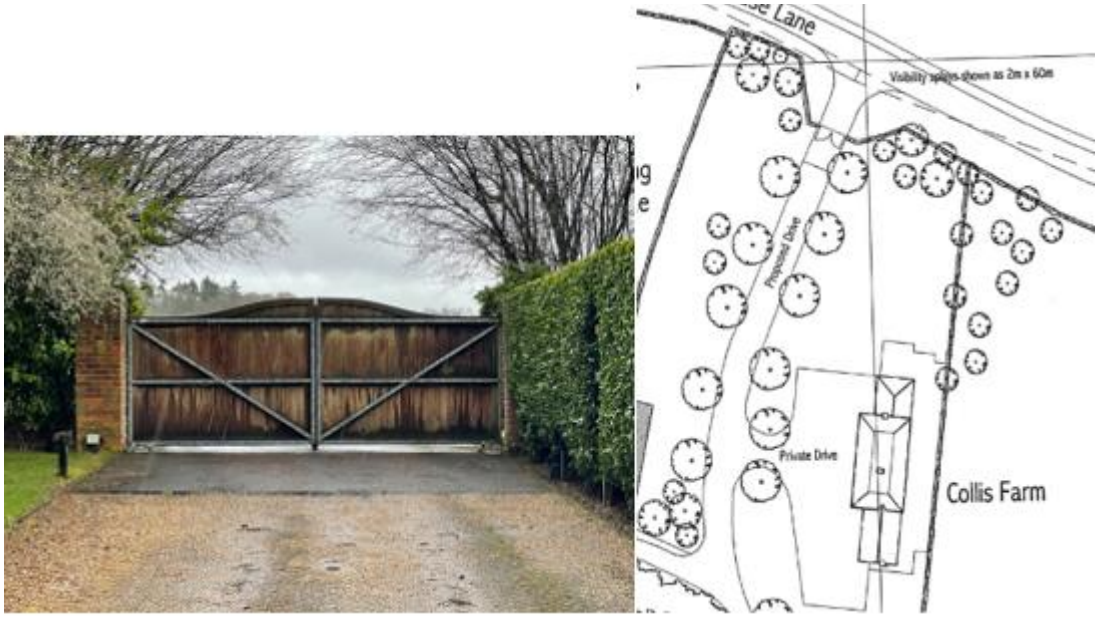


Figure 5 Entrance gates positioned 7.5m from the carriageway and approved plan on K/52370/VAR showing positioning of the same

3 PLANNING POLICY CONTEXT AND MATERIAL CONSIDERATIONS

3.1 Section 70 of the Town and Country Planning Act 1990 (TCPA 1990) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The Development Plan, for the purposes of this Application, includes the Wiltshire Core Strategy and Saved Policies of the former local plans (in this case, the Kennet Local Plan 2004). There is no neighbourhood plan in force.

3.3 The Site is not in any Conservation Area ("CA") (being outside the boundaries of both the Chute Cadley/ Lower Chute CA to the south-east and the Upper Chute CA to the north-west of the Site). None of the buildings at Collis Farm are listed.

3.4 The Chutes are classified as a 'small village' in the settlement strategy. Policy CP1 limits development in small villages to that which is needed to help meet the housing needs of settlements and to improve employment opportunities. Therefore, new residential development in this area is not generally supported, in principle (in the absence of evidence of housing need/ employment benefits).

3.5 The Site is also within the North Wessex Downs AONB; development in this area should protect, conserve and where possible enhance landscape character and must not have a harmful impact on the same (Policy CP51). As the dwelling is already in existence, this Application gives rise to no landscape harm to the AONB.

3.6 Therefore, in principle, this proposal is not policy compliant due to the Site location in the countryside, and the absence of evidence of local housing need in this specific location or employment benefits. That being said, there is evidence of housing need in Wiltshire Council's area as a whole, as it is unable to demonstrate a 5 year supply of deliverable housing sites.

3.7 Other material considerations do, however, support the grant of planning permission for this application. In particular:

- The existing dwelling is lawful. The aim of this application is not to gain permission for development that would be unacceptable (indeed; it has already been found to be acceptable); the aim is to regularise the consents which, as demonstrated above, are inconsistent, inaccurate and, ultimately, confusing. Whilst acknowledging the legal starting point of determining applications in accordance with the development plan, there is a unique set of circumstance for this property which ultimately provide the justification for granting permission.

- The development which is the subject of this Application has already been found to be acceptable, in planning terms, and approved. Those approvals are extant permissions. The Council granted planning permission for the dwelling under reference **K/040916** and for the siting of the entrance gates under **K/52370/VAR.**

- The minor amendments undertaken to the dwelling, as detailed in this statement are also all lawful. The rooflights benefit from permitted development rights, meaning permission has been granted for those via the General Permitted Development Order 2015. The garage is being used internally as habitable space, which is not development for the purposes of s55 of the TCPA 1990 (and has been ongoing for a period of 20 years). The garage door has been replaced with windows, but again this was carried out some 20 years ago at the point of construction of the dwelling. As such, it is lawful due to the passage of time. Similarly, the chimney breast on the southern elevation was not built during construction, so its absence and replacement with a flush wall elevation is also now lawful due to the passage of time.

3.8 The Applicant could simply continue to occupy the dwelling under the terms of these extant planning permissions. The proposal therefore gives rise to no harm over and above that valid fall-back position of continuing as they have done for some 20 years, and leaving the errors in the decision notices unremedied.

3.9 These material considerations attract very substantial weight in the planning balance.

3.10 We also note that in principle, the Development Plan would support an application to demolish the existing dwelling and replace it with another built on the same/ similar footprint, so long as the scale of the new dwelling was not "significantly larger" than the original (Saved Policy HC25 – Replacement of Existing Dwellings – of the Kennet Local Plan 2004, which was saved in 2007 and remains in force, as confirmed in the appendix to the Core Strategy). The Applicant does not propose to demolish the dwelling, so this policy supporting a similar or slightly larger replacement dwelling is a fall-back position, rather than the proposal which is before you for assessment. The fall --back position is a material consideration; the Applicant could build a larger dwelling than that currently existing on the Site.

4 PLANNING BALANCE AND CONCLUSIONS

4.1 This Application seeks approval for development which has already been found to be acceptable, in planning terms, and which has already been built, lawfully. Due to a typographical error in a historic decision notice, the Applicant seeks to regularise this and ensure there is a 'clean' planning permission demonstrating all development is authorised.

4.2 Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan only supports development in this countryside location where there is evidence of local housing need, or employment benefits. Whilst there is no evidence of local housing need submitted, there is evidence of housing need across the district, due to the lack of a 5 year supply of deliverable housing sites.

4.3 In any event, material considerations should be given very substantial weight here, in the planning balance. The existence of extant permissions authorising development in the precise terms now sought is a material consideration of very substantial weight. We have set out, in this Planning Statement, details of the dwelling and entrance gates as approved, and as built, to demonstrate that the 'development' for which permission is sought via this Application is consistent with the details previously approved, or otherwise was permitted development or is already lawful due to the passage of time.

4.4 There is also a valid fall-back position of demolishing the existing building and constructing a replacement dwelling so long as the footprint is closely related to the existing, and the replacement dwelling is not significantly larger. The Development Plan would support such a proposal. This fall-back position is a material consideration of substantial weight.

4.5 The occupancy restriction which previously applied to the Site has since been lifted. As such, there is no need to impose any such restriction on this new permission, as to do

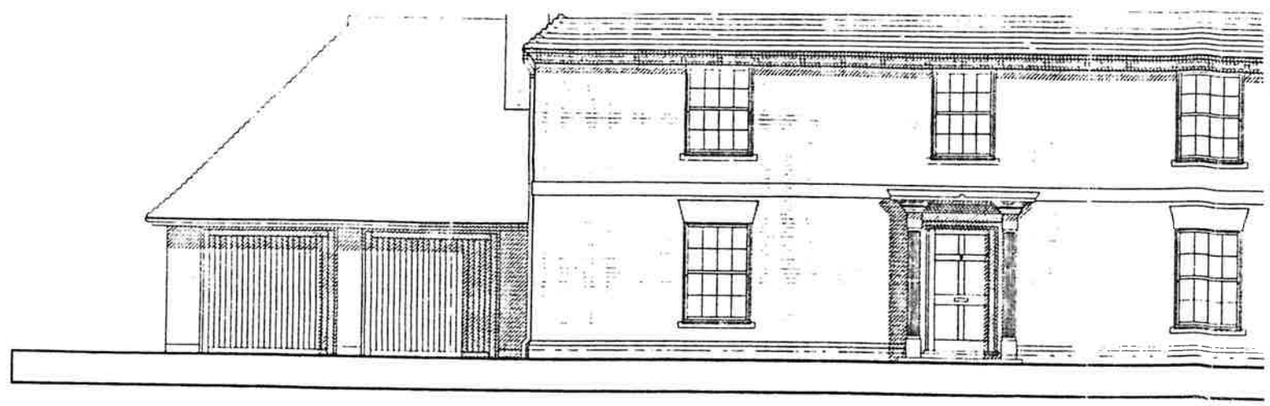
so would fail to meet the six tests for imposition of conditions[1] . Similarly there is no justification for any planning obligation pursuant to the requirements of Regulation 122 test of the CIL Regulations 2010[2].

4.6 On this basis, it is clear that the Council can, and should, grant the Application, so as to regularise errors historically made in the issuing of decision notices relating to the Site.

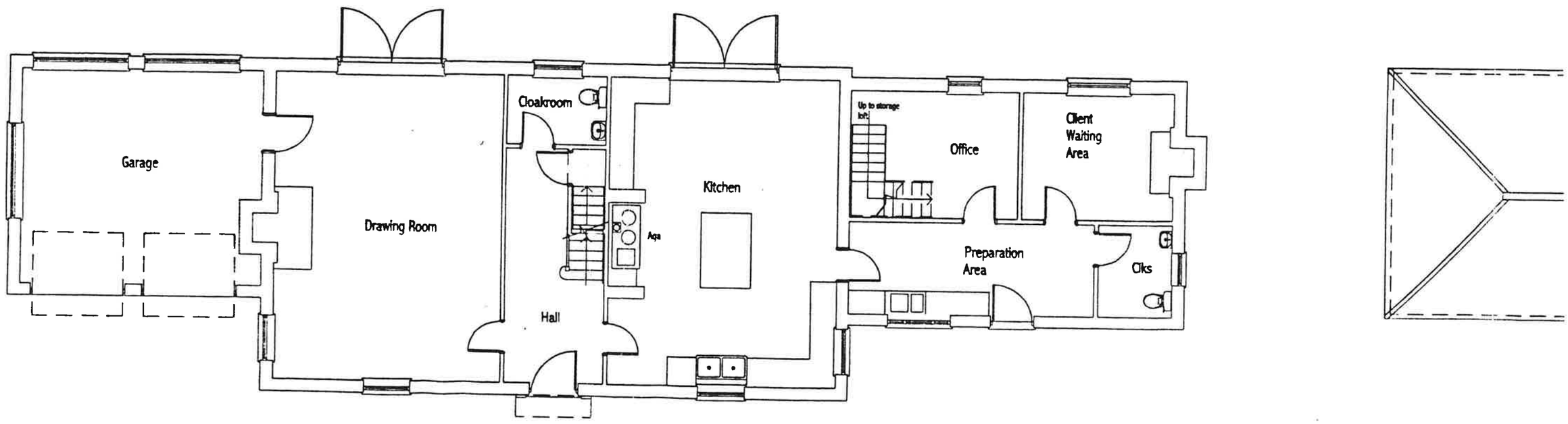
[1] See Planning Practice Guidance Paragraph: 003 Reference ID: 21a-003-20190723
[2] (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

APPENDIX A

Approved Plans for the Dwelling as Built

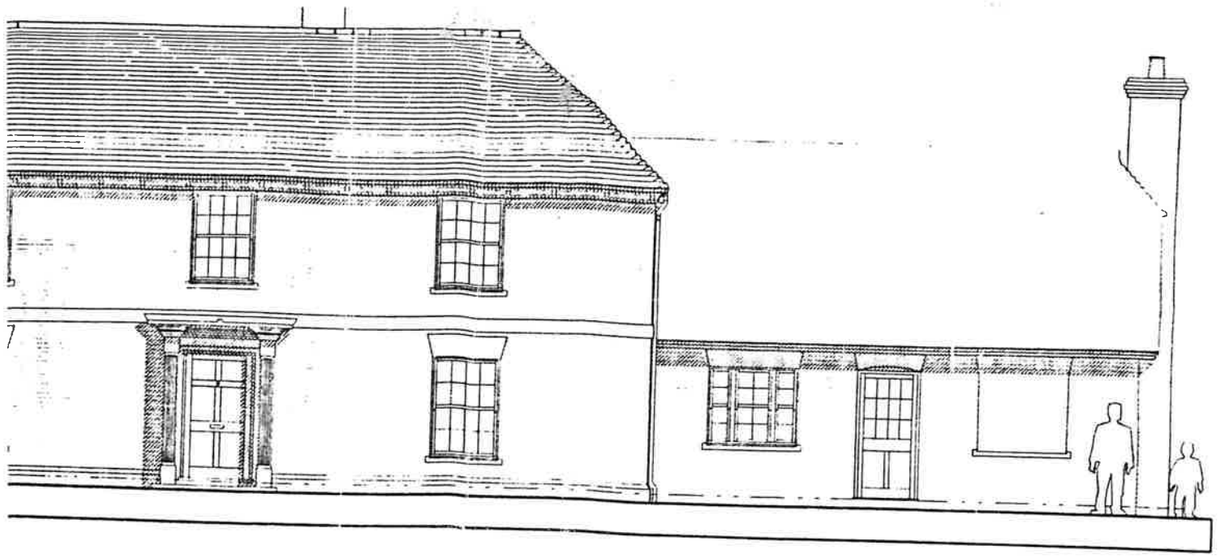


Proposed West Ele

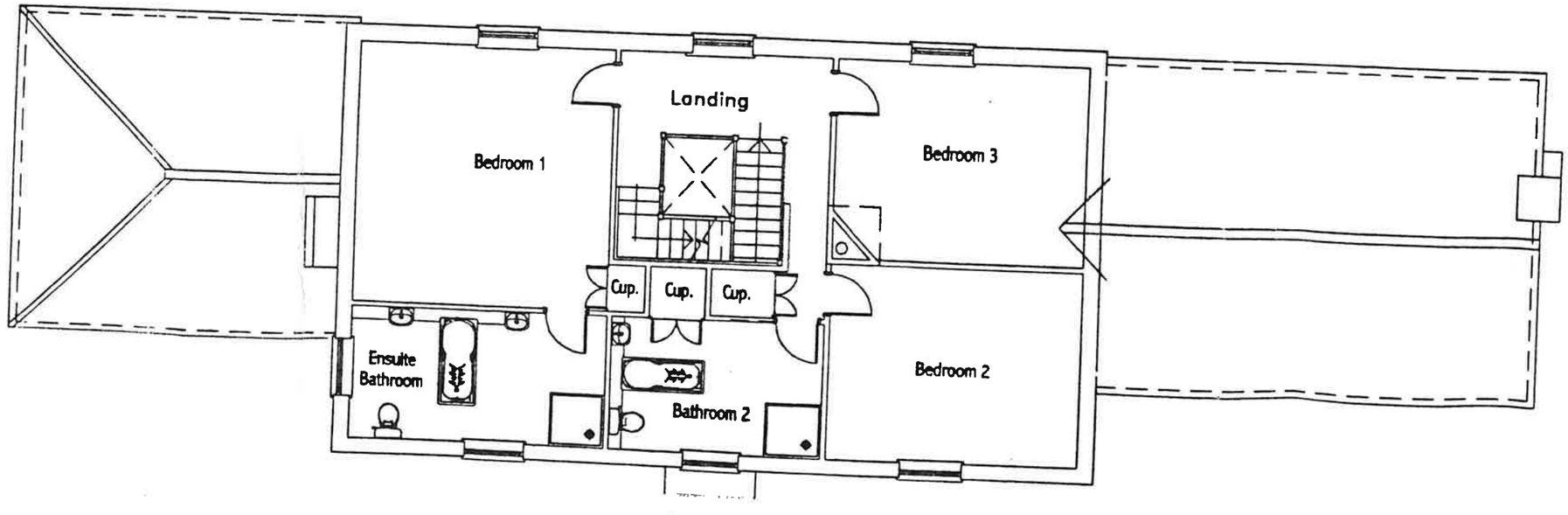


Proposed Ground Floor Plan

House at Collis F



ed West Elevation



Proposed First Floor Plan

it Collis Farm

Gerald Steer RIBA

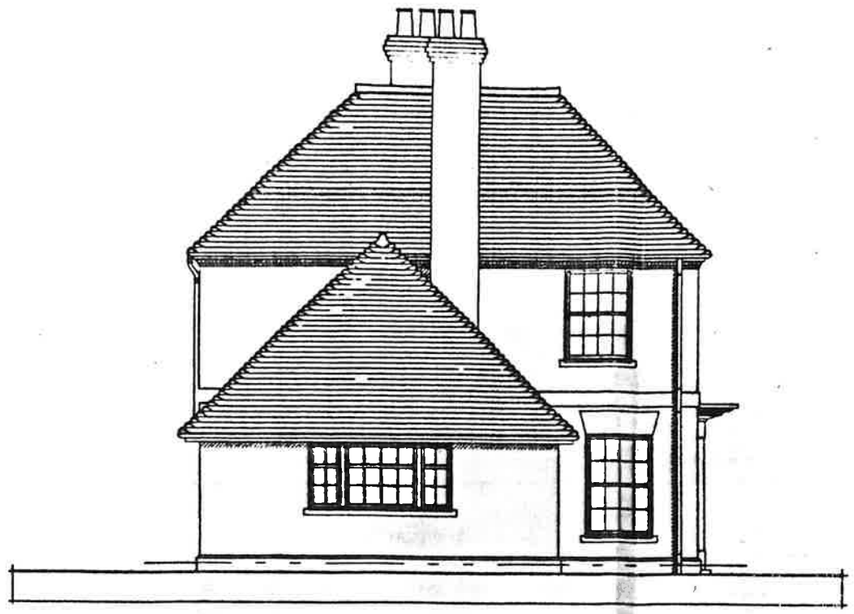
Gerald
St Ann
S
Tel (01722) 53

St Anns Gate Architects :
The collective office address of a g

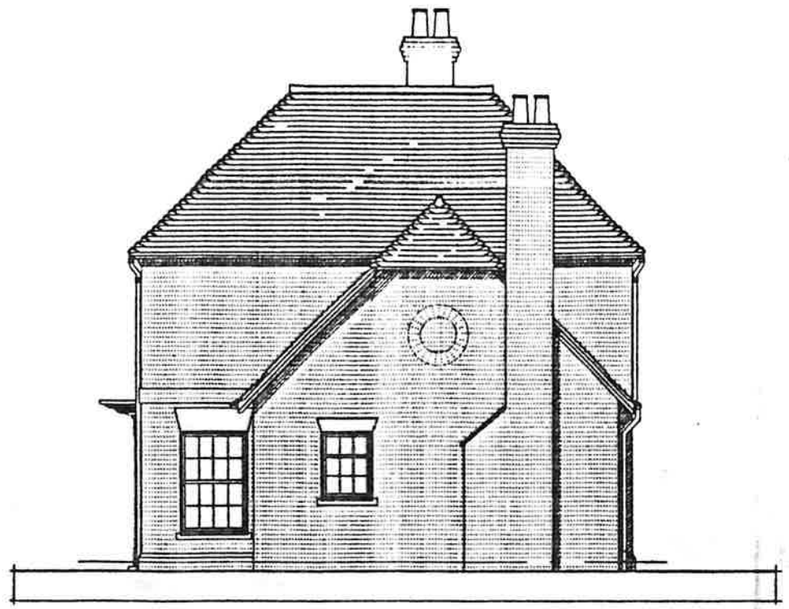
Title Proposed New H
Upper Chute

Drawing Proposed Plans &

Scale 1:100 & 1:50 Job N



Proposed North Elevation



Proposed South Elevation

Do not scale from drawings, use dimensioned figures only and report any discrepancies to Architects office.

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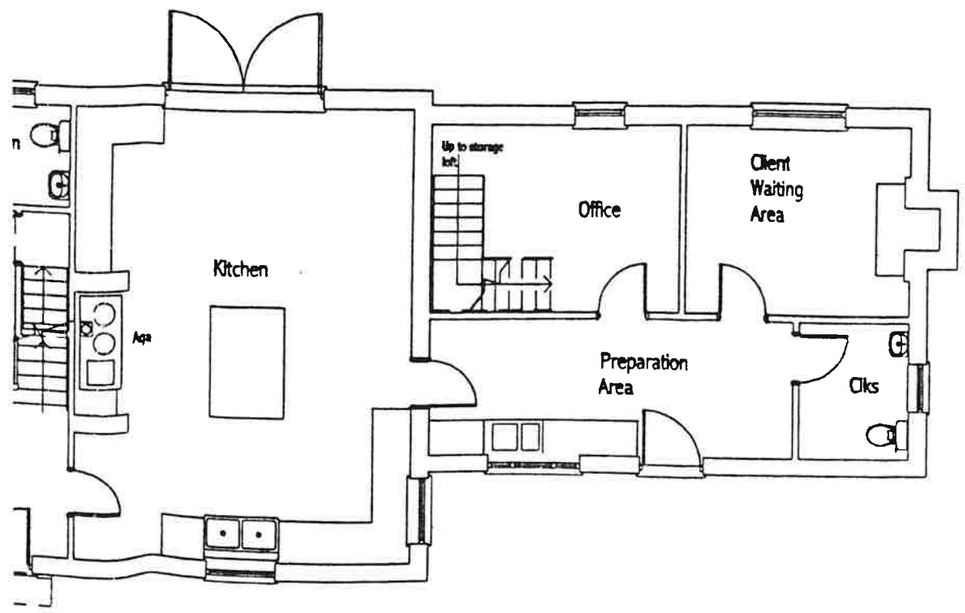
Revision	Date	Description
A	Rev Dec 00	General alterations
B	Rev Jan 01	General alterations
C	Rev Feb 01	General alterations

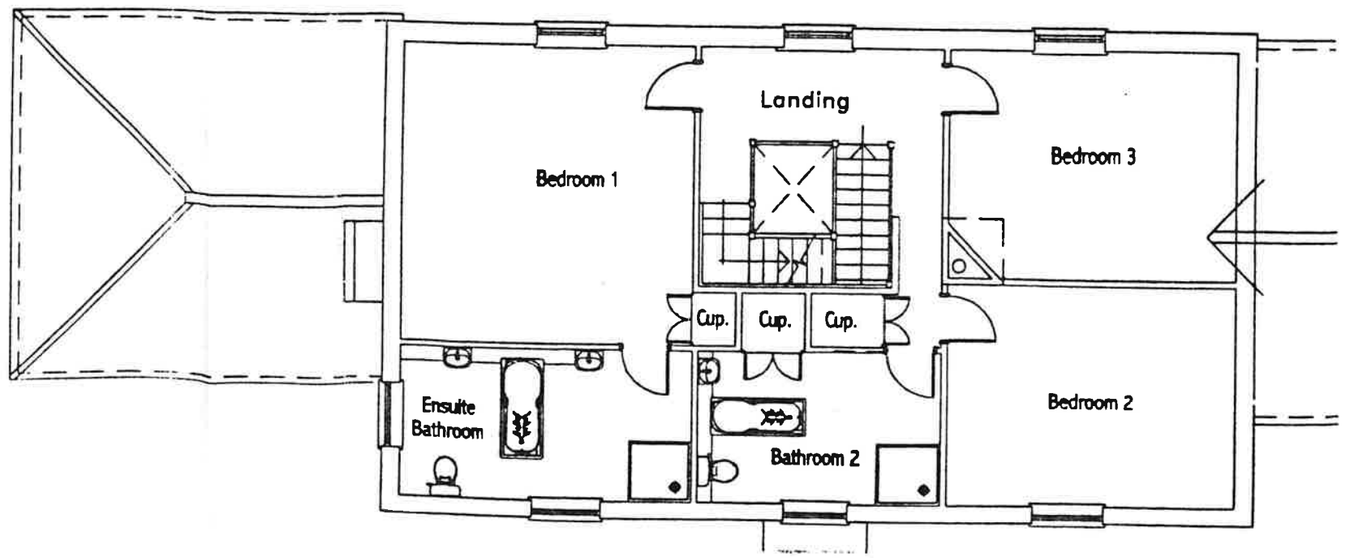


Proposed East Elevation



Proposed West Elevation





APPENDIX B

Application Form and Plans for K52370/VAR

PLA 6 JUN 2005 RECEIVED

FILE K No - 52310

KENNET DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

APPLICATION FOR PLANNING PERMISSION

Five copies of the completed form and all related plans and documentation should be sent to:
The Planning Services Manager
Kennet District Council
Browfort
Bath Road
Devizes
Wilts. SN10 2AT

PLEASE READ THE ACCOMPANYING NOTES FOR GUIDANCE AND COMPLETE THE FORM IN BLOCK LETTERS (USING BLACK INK)

1 (a) Name and Address of Applicant

MR CLIVE HAMBLIN
COLLIS FARM
UPPER CHUTE
ANDOVER SP11 9EF

Tel. No [redacted]

1 (b) Name and Address of Agent (if any)

Name for Contact

Tel. No.

2. Full Postal Address of Application Site: COLLIS FARM
UPPER CHUTE
ANDOVER
HANTS SP11 9EF

3. What is the applicants interest in the land? OWNER

4. Is there any adjoining land which the applicant owns or controls?

Yes [X]
No [ ]

(If so please show edged blue on the submitted plans)

5. Description of Proposals: SITING OF ENTRANCE GATES 7.5m BACK FROM HIGHWAY (VARIATION OF PREVIOUS CONDITION)

Have the building works taken place? (YES)/NO

6. Type of Application (Please tick box)

A. A full application for new building works (including extensions and other alterations to existing building). [ ]

B A full application for a change of use only. [ ]

FILE
K № - 52370

KDC PLANNING SERVICES
06 JUN 2005
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11. Existing Uses

(a) What is the current use of the site? PRIVATE HOUSE YARD AND LAND. EQUINE AND VETERINARY USE FOR SOME BUILDINGS IN YARD AND FIELDS. USED AS BASE ONLY FOR AMBULATORY VETERINARY WORK. - NO HOSPITAL

(b) If vacant what was it last used for?

(c) If in residential use please state the number of existing:

houses [1] flats [ ] bedsits [ ]

other, please specify

12. If your proposal is for new buildings or an extension to an existing building, give details of the make, type and colour of materials to be used on:

(a) Walls

N/A

(b) Roof

Details of materials should also be shown on the drawings.

13. Access (Please answer yes / no)

Would the proposal:

(a)	involve the provision of a new access for vehicles	Yes [ ]	No [ ]
(b)	the alteration of an existing access for vehicles ?	Yes [X]	No [ ]
(c)	the creation or alteration of an access for pedestrians only	Yes [ ]	No [ ]

14. Trees

Does the proposal involve the felling or pruning of any trees? Yes [ ] No [X]

If yes, please give details on the submitted plans.

15. Is there a Listed Building on the site? Yes [ ] No [X] Don't Know [ ]

NB Separate Listed Building Consent may be required.

16. Drainage (Complete Part A and mark one box in part B)

N/A

A How will surface water be disposed of?

B Foul Sewage will be disposed of to: N/A

Mains Sewer [ ] Cesspit [ ] Septic Tank [ ] Other [ ]

23. What is the estimated vehicular traffic flow to the site during a normal working day?

N/A

(Please include all vehicles, except those used by individual employees driving to or from work)

24. Preliminary Discussions: If you have had previous discussions or correspondence with the Council regarding this proposal, please tell us who you spoke to and any reference number quoted by the Council.

MR. I. WARD

TO BE COMPLETED BY ALL APPLICANTS

I apply for planning permission and I enclose (where appropriate) the fee of £ *
by cheque /P.O. No. _____ /cash. Cheques and postal orders should be made payable to Kennet District Council.

Signed: [redacted] Date: 1/6/05

* *PLEASE SEE GUIDE TO PLANNING FEES*

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K № - 52370

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KENNET DISTRICT COUNCIL

SECTION 66 OF THE TOWN & COUNTRY PLANNING ACT 1990
SECTION 6 OF THE TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

complete if you are the only owner of all the land relating to this application

(Please Read Notes for Guidance)

I hereby certify that:

1. No person other than the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days before the date of the accompanying application.

2a*. None of the land to which the application relates constitutes or forms part of an agricultural holding.

2b*. The requisite notice has been given to every person other than the applicant who, 21 days before the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant	Address at which notice was served	Date notice served

Signed: [redacted]

On behalf of: CLIVE HAMBLIN Date: 26.5.05

* Delete where appropriate
'Owner' means a person having a freehold interest or a leasehold interest, the unexpired term of which is not less than 7 years.

HAMBLIN
COLLIS FARM
UPPER CHUTE

PLAN 2

Malthouse Lane

Existing Cottage

7.5m

1m

HEDGE

Drive

Private Drive

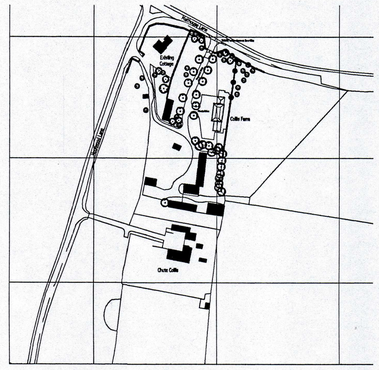
Collis Farm

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FILE
K/P/52370

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Revision Date Description



Site Location 1:2500



COLLIS FARM, UPPER CHUTE - Proposed Site Plan 1:500

FILE
K /040916

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1 MAR 2001
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Gerald Steer BSc B Arch MSc RIBA AIWSc
St Anns Gate Architects The Close
Salisbury Wiltshire SP1 2EB
Tel (01722) 555200 Fax 555201 Email GLSArch@aol.com

St Anns Gate Architects :
The collective office address of a group of independant architectural practices

Title Proposed Alterations to Collis Farm, Upper Chute

Drawing Proposed Site and Location Plan

Scale 1:500,2500 Job No. 831/4
Drawn DAJ
Date Sep 2000

Revision Ref

PLA 6 JUN 2005 RECEIVED

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(If so please show edged blue on the submitted plans)

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other, please specify

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(b) Roof

Details of materials should also be shown on the drawings.

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Would the proposal:

(a)	involve the provision of a new access for vehicles	Yes [ ]	No [ ]
(b)	the alteration of an existing access for vehicles ?	Yes [X]	No [ ]
(c)	the creation or alteration of an access for pedestrians only	Yes [ ]	No [ ]

14. Trees

Does the proposal involve the felling or pruning of any trees? Yes [ ] No [X]

If yes, please give details on the submitted plans.

15. Is there a Listed Building on the site? Yes [ ] No [X] Don't Know [ ]

NB Separate Listed Building Consent may be required.

16. Drainage (Complete Part A and mark one box in part B)

N/A

A How will surface water be disposed of?

B Foul Sewage will be disposed of to: N/A

Mains Sewer [ ] Cesspit [ ] Septic Tank [ ] Other [ ]

23. What is the estimated vehicular traffic flow to the site during a normal working day?

N/A

(Please include all vehicles, except those used by individual employees driving to or from work)

24. Preliminary Discussions: If you have had previous discussions or correspondence with the Council regarding this proposal, please tell us who you spoke to and any reference number quoted by the Council.

MR. I. WARD

TO BE COMPLETED BY ALL APPLICANTS

I apply for planning permission and I enclose (where appropriate) the fee of £ *
by cheque /P.O. No. _____ /cash. Cheques and postal orders should be made payable to Kennet District Council.

Signed: [redacted] Date: 1/6/05

* *PLEASE SEE GUIDE TO PLANNING FEES*

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FILE
K № - 52370

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K № - 52370

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KENNET DISTRICT COUNCIL

SECTION 66 OF THE TOWN & COUNTRY PLANNING ACT 1990
SECTION 6 OF THE TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

complete if you are the only owner of all the land relating to this application

(Please Read Notes for Guidance)

I hereby certify that:

1. No person other than the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days before the date of the accompanying application.

2a*. None of the land to which the application relates constitutes or forms part of an agricultural holding.

2b*. The requisite notice has been given to every person other than the applicant who, 21 days before the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant	Address at which notice was served	Date notice served

Signed: [redacted]

On behalf of: CLIVE HAMBLIN Date: 26.5.05

* Delete where appropriate
'Owner' means a person having a freehold interest or a leasehold interest, the unexpired term of which is not less than 7 years.

HAMBLIN
COLLIS FARM
UPPER CHUTE

PLAN 2

Malthouse Lane

Existing Cottage

7.5m

1m

HEDGE

Drive

Private Drive

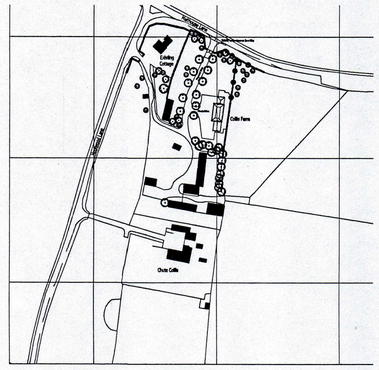
Collis Farm

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K/P/52370

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Revision Date Description



Site Location 1:2500



COLLIS FARM, UPPER CHUTE - Proposed Site Plan 1:500

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K /040916

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1 MAR 2001
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Gerald Steer BSc B Arch MSc RIBA AIWSc
St Anns Gate Architects The Close
Salisbury Wiltshire SP1 2EB
Tel (01722) 555200 Fax 555201 Email GLSArch@aol.com

St Anns Gate Architects :
The collective office address of a group of independant architectural practices

Title Proposed Alterations to Collis Farm, Upper Chute

Drawing Proposed Site and Location Plan

Scale 1:500,2500 Job No. 831/4
Drawn DAJ
Date Sep 2000

Revision Ref

APPENDIX C

Decision Notice K52370/VAR

Kennet District Council

Notice of Planning Permission for Variation/Non-Compliance with a condition imposed on an earlier permission

TOWN & COUNTRY PLANNING ACT 1990	**Planning Application K/52370/VAR**
To Mr C Hamblin Collis Farm Upper Chute Andover SP11 9EF	**Parish: - CHUTE** Date Registered: - 6th June 2005 Grid Reference: - SU 30292 53593
Particulars of Development: - Siting of entrance gates 7.5m back from highway (variation of condition on planning permission K/38132)	
At: - Collis Farm, Upper Chute Andover SP11 9EF	**For: - Mr C Hamblin**
In pursuance of their powers under the above Act, the Council hereby GRANT PLANNING PERMISSION for variation or non- compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.	

1. INFORMATIVE TO APPLICANT:
The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & NR8.

Signed ……..

Planning Services Manager **Dated** 29th July 2005

KENNET DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT, 1990

PERMISSION FOR DEVELOPMENT

1. Other Necessary Consents

This document only conveys permission for development under the Town and Country Planning Act, 1990 and the applicant must also comply with all Bye-Laws, Regulations, and Statutory Provisions in force in the District, and secure such other approvals and permissions as may be necessary.

In Particular the applicant is reminded of the following matters:

(a) the need, in appropriate cases, to obtain Approval under the Building Regulations;
(b) the need to obtain an appropriate Order if the proposal involves the stopping-up or
(c) diversion of a public footpath;
(d) the need to obtain consent for the demolition, alteration, or extension of any Building Listed as of Special Architectural or Historic Interest;
(e) the need to obtain consent for the demolition of an unlisted building in a Conservation Area;
(e) the need to make any appropriate arrangements under the Highways Act, 1971 in respect of any works within the limits of a public highway.

(It is the responsibility of the applicant to ascertain whether his proposals affect any public right of way, Listed Building, or Conservation Area).

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 of the Town and Country Planning Act, 1990 within six months of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, (Telephone 0117 372 6372). Alternatively forms can be downloaded from the web site: **www.planning-inspectorate.gov.uk** The Secretary of State has 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 for 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. A copy of the appeal documents should be sent direct to The Planning Services Manager, Kennet District Council, Browfort, Bath Road, Devizes, Wilts, SN10 2AT.

2. Purchase Notices

If permission to develop the land is granted subject to Conditions, whether by the Local Planning Authority or the Secretary of State for the Environment, 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 District Council in which the land is situated a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. 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.

REFUSAL OF PERMISSION FOR DEVELOPMENT

If the applicant wishes to have an explanation of the reasons for this decision, it will be given on request and a meeting arranged if necessary.

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, (Telephone 0117 372 6372). Alternatively forms can be downloaded from the web site: **www.planning-inspectorate.gov.uk** The Secretary of State has 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 for the proposed development could not have been so granted 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. A copy of the appeal documents should be sent direct to The Planning Services Manager, Kennet District Council, Browfort, Bath Road, Devizes, Wilts, SN10 2AT.

2. Purchase Notices

If permission to develop land is refused, whether by the Local Planning Authority or the Secretary of State for The Environment, 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 District Council in which the land is situated a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. Compensation

In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused 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.