Wiltshire Council

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2023/04870
Decision Date: 23 August 2023

Applicant:	Mrs M Coward, Lower Berrycourt Farm, Parnhams Hill , Ludwell North C295 To Watery Lane, Donhead St Mary, SP7 9DT
Particulars of Development:	Formation of improved access arrangements, erection of two storey extension and construct car port.
At:	201 Lower Berrycourt Cottage, Donhead St Mary, Shaftesbury, Wilts, SP7 9DT

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 listed in the schedule:

Site and Location Plans Proposed ref 22065 – 3 dated June 2023
Proposed Extension Plans, Elevations and Section as Proposed ref 22065 – 4 dated June 2023
Proposed Carport / Garage Plans, Elevations and Section as Proposed ref ref 22065 – 5 dated June 2023
Supporting Statement letter from Brimble Lea, dated 15th June 2023

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

3 The materials to be used in the development hereby approved shall be in accordance with the schedule submitted on the approved plans, namely render and tiles to match the existing dwelling for the extension, tiles to match the house and timber cladding for the walls of the garage/car port.

Reason: for the avoidance of doubt and in the interests of the landscape amenity of the AONB.

4 All the sections of new and replacement native hedge planting shown on the approved Site and Location Plans Proposed ref 22065 – 3 dated June 2023 shall be carried out in the first planting and seeding season following the first occupation of the extension/car port building or the completion of the development whichever is the sooner.

All hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development, the enhancement of existing important landscape features and hedgerows within the AONB and secure biodiversity enhancement for the development.

5 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), the garage/car port hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety and the adjacent public right of way.

Informatives:

PRIVATE VEHICULAR RIGHTS
The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath.

IMPROVEMENT WORKS TO FOOTPATH

The applicant should note that no works should be undertaken on the public footpath without prior consultation with the Rights of way Countryside Access Officer (CAO). It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

OBSTRUCTION DURING CONSTRUCTION
The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way DSTM25 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

GATES AND STILES
The applicant should note that no gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

HEDGEROW REMOVAL
The applicant should note that where permission to remove a hedgerow is given, if the hedgerow is not removed within two years of the date the application was received by the Local Planning Authority a further notice must be submitted for its removal.

WILDLIFE AND COUNTRYSIDE ACT - Hedges and nesting birds
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Signed:

Parvis Khansari **- Corporate Director, Place**

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.

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).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk