Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/07800

Decision Date: 30 November 2023

Applicant:	Heather and James Bladon Bitham House Cutting Hill, Hungerford, Wiltshire, RG17 0RW
Particulars of Development:	Construction of a hard surfaced tennis court and surround fencing with associated change of land use.
At:	Bitham House, Cutting Hill, Hungerford, RG17 0RW

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:

Conditions: (8)

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:

- Location Plan – Figure 1;
- Block Plan – Figure 2;
- Fence Elevations – Figure 3;
- Fence and Court Details – Figure 4;
- Soft Landscaping Scheme – Figure 6;
- Court sub-surface – Figure 7;

- Longitudinal Sections.

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

3 The site planting scheme, as detailed within approved drawing no. “Soft Landscaping Scheme – Figure 6” shall be implemented in full within the first planting season (being 1st September to 30th March the following year) following substantial completion of the construction in accordance with the details of a Landscape Environmental Management Plan (LEMP) that shall first be submitted to and approved in writing by the local planning authority. As a minimum the LEMP shall provide prescriptions for the habitat creation and management to ensure that the targeted habitats and their respective conditions can be delivered and maintained thereafter.

REASON: To ensure the special landscape characteristics of the North Wessex Downs Area of Outstanding Natural Beauty are preserved and to ensure the development delivers biodiversity net gains in accordance with the aims of Core Policies 50 and 51 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

4 All soil/material removed as a result of the construction of the development hereby approved shall be disposed of in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Should the material be deposited within the site or on adjacent land within the control of the applicant, details of the location, existing and proposed site levels shall be submitted.

REASON: To ensure the special landscape characteristics of the North Wessex Downs Area of Outstanding Natural Beauty are preserved and to ensure the development delivers biodiversity net gains in accordance with the aims of Core Policies 50 and 51 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking or reenacting that order, no external lighting is permitted to be installed within the site of the development hereby approved.

REASON: To protect the rural character of the site and the tranquillity and dark skies of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 50, 51 and 57 of the Wilshire Core Strategy and the planning

policy advice of the National Planning Policy Framework.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking or reenacting that order, no walls, fences or other means of enclosure (other than those shown on the approved plans) shall be installed within the site of the development hereby approved.

REASON: To protect the rural character of the site and the special landscape character of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 50, 51 and 57 of the Wilshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

7 The development hereby approved shall only be used as domestic land incidental to the occupation of the dwelling known as Bitham House.

REASON: To ensure the use of the site remains at an appropriate scale and to protect the rural character of the site and the special landscape character of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 51 and 57 of the Wilshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

8 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

Informatives: (1)

9 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 landowner’s 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.

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.

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.

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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy

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