Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2022/04256

Decision Date: 23 November 2022

Applicant:	Mr & Mrs Ian & Jane James Cloud House , Church Road, Woodborough, Wiltshire, UK, SN9 5PH
Particulars of Development:	Change in use of land to equestrian, formation of vehicular access, erection of equestrian buildings, horse walker and arena (retrospective).
At:	The Paddocks, Barsmore Farm, Tytherton Lucas, Chippenham, SN15 3RH

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: (10)

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 ref. 01.
- Site plan ref. 02.
- Buildings 1-5 floorplans and elevations ref. 03.
- Building 6 and horse walker floorplans and elevations ref. 04.

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted, shall match in material, colour and texture to those detailed on the application form and approved plans.

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

4 Any commercial use of the site shall be limited to breeding, training, rehabilitation, veterinary and similar work (such as equine dentistry, osteopathy, reiki) of horses. No DIY livery, tuition, leisure rides or equine tourism shall take place at the site.

REASON: to define the use of the site and to limit commercial activity that could otherwise impact upon residential amenity and highway safety.

5 Within three months of the date of this permission, a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission. The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

6 Within three months of the date of this permission, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will:

- Identify those areas/features on site that are particularly important for protected and priority species and which may be adversely affected by new lighting.
- Illustrate where external lighting has been or will be installed and predicted light spill through the provision of lighting contour plans/Lux plot so that it is clearly demonstrated that the boundary features and habitats used by protected and priority species will not be adversely affected.
- Specify luminaires, heights and positions of fittings, as well as any other features e.g. cowls, louvres or baffles.
- Specify any intended restriction over the timings for implementation of external lighting.

The development shall then be undertaken in strict accordance with the recommendations of any approved lighting plan and no other lighting shall be installed within the site without prior consent from the Local Planning Authority.

REASON: To minimise light spillage into areas of habitat for protected and priority species and to maintain dark wildlife corridors, particularly for foraging and commuting bats, as many

species that are active at night e.g. bats and badgers, are sensitive to light pollution.

7 Within three months of the date of this planning permission, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows;
- full details of any to be retained;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure; and
- all hard and soft surfacing materials.

The soft landscaping scheme shall enable the site to achieve no net loss in biodiversity (i.e. no net loss from before the operational development commenced and/or the equestrian use first started).

The approved scheme shall then be implemented in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission. The site is located in the open countryside and in proximity to a listed building, such that it is important the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting. It is also important for the development to demonstrate no net loss of biodiversity through appropriate planting.

8 All hard and soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following this grant of planning permission. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or 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 and the protection of existing important landscape features.

9 No retained tree/s shall be cut down, uprooted, topped or destroyed, nor any hedge within the site cut down or grubbed out, without the prior approval in writing of the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10 There shall be no burning of horse waste (straw/manure/bedding) on the site.

REASON: In the interests of public safety and amenity.

Informatives: (4)

11 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.

12 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.

13 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.

14 This permission does not permit the display of any advertisements that require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations.

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).