Wiltshire Council

# The Town and Country Planning Act 1990
## Approval of Variation of Conditions
## Application Reference Number: PL/2023/09445
## Decision Date: 14 December 2023

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| **Applicant:** | Mr and Mrs Morant, Spring Farm Charlton Lane, Charlton, Wiltshire, SP7 0EL |
| **Particulars of Development:** | Variation of condition 2 of PL/2023/00315 |
| **At:** | Spring Farm, Charlton Lane, Charlton, Shaftesbury, SP7 0EL |

In pursuance of its 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.

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 compliance with the following conditions:**

**Conditions:** (13)

1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission granted under PL/2023/00315 and dated 25 April 2023.

REASON: To comply with the provisions of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started.

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

Proposed Site Plan Ref 22 / 792 / P003 Rev B dated Aug 2022

Proposed Block Plan with residential curtilage in green outline ref 22 / 792 / P002 Rev B dated Aug 2022
Proposed front elevation ref 22 / 792 / P110 Rev C dated Aug 2022
Proposed rear elevation ref 22 / 792 / P111 Rev C dated Aug 2022
Proposed side elevation (north) ref 22 / 792 / P112 Rev C dated Aug 2022
Proposed side elevation (south) ref 22 / 792 / P113 Rev C dated Aug 2022
Proposed ground floor plan ref 22 / 792 / P100 A dated Aug 2022
Proposed first floor plan ref 22 / 792 / P101 dated Aug 2022
Proposed second floor plan ref 22 / 792 / P102 dated Aug 2022
Proposed pool house north and south section ref 22 / 792 / P503 dated Aug 2022
Proposed field shelter plans and elevations ref 22 / 792 / P600 dated Aug 2022
Proposed garage and pool floor plan ref 22 / 792 / P500 dated Aug 2022
Proposed pool house east and west elevation ref 22 / 792 / P502 Rev A dated Aug 2022
Proposed garage north and south elevation ref 22 / 792 / P501 Rev A dated Aug 2022
Proposed barn and stables proposed plans and elevations ref 16171018 26 Rev C dated 29/3/17
Proposed solar array detail ref 22 / 792 / P601 Dated Aug 2022
Existing Block Plan ref 22 / 792 / E002 Rev A (for demolition of the existing dwelling)
Letter from Atlas Planning Group dated 10th March 2023
Tree Protection Plan ref WTP 1 dated 30th Jan 2023
Arboricultural Assessment and Mitigation Statement by Wadey Trees ref WT-004-23 AIA dated 30 Jan 2023
Bat Activity Survey dated August 2022
Flood Risk Assessment dated April 2023

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

3 The replacement dwelling hereby permitted shall not be occupied until the existing dwelling shown on the Existing Block Plan (ref 22 / 792 / E002 Rev A) has been demolished in its entirety and the site of the former dwelling has been left in a tidy, level condition.

Reason: For the avoidance of doubt. To ensure that the development does not result in two dwellings on the site, which would be inappropriate, unsustainable development in the countryside for which there would be no policy justification, contrary to relevant national and local planning policies. The two dwellings have very different designs, styles and character and if sited immediately adjacent to each other, they would be visually inharmonious, incongruous and harmful to the character of the AONB.

4 The residential curtilage for the replacement dwelling hereby approved shall be in accordance with the Proposed Residential Curtilage shown in green outline on Proposed Block Plan ref 22 / 792 / P002 Rev B. All other land within the blue and red lines shown on the Proposed Block Plan (with the exception of the equestrian

stables and barn building and any previously approved equestrian grazing land) shall be considered as agricultural land.

The proposed field shelter hereby approved shall be used as a secure plant room for the solar array and an open field shelter only.

The proposed garage and pool outbuildings (plan ref 22 / 792 / P500) shall not be used as habitable accommodation.

Reason: For the avoidance of doubt and to restrict the residential curtilage in accordance with the site's planning history.

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), 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.

6 The development shall be implemented in accordance with the proposed materials schedules on the elevation plans hereby approved for the replacement dwelling, agricultural barn & stables, garage, pool building, outbuildings and field shelter.

REASON: To secure a harmonious form of development, in the interests of the character and appearance of the area.

7 No new external artificial lighting shall be installed anywhere at the site or on the new buildings unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity and the condition of Cranborne Chase AONB.

8 The equestrian development hereby permitted (including the stables and storage in the replacement barn) and shown on plan ref 22 / 792 / P003 Rev B

(i) shall not be occupied at any time other than for private non residential purposes ancillary to the residential use of the main (or any subsequent replacement) dwelling, known as Spring Farm, Charlton, Shaftesbury
(ii) shall not be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides, competitions or events.
(iii) shall not be converted to habitable accommodation and shall remain within the same planning unit as the main dwelling.

REASONS: In the interests of highway safety. In the interests of the amenities of the AONB and to protect the living conditions of nearby residents. Furthermore, the equestrian development is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a new and wholly separate dwelling to service the equestrian use.

9 The development shall be implemented in accordance with the Tree Protection Plan ref WPT 1 dated 30th Jan 2023 and the Arboricultural Assessment and Mitigation Statement by Wadey Trees ref WT-004-23 AIA dated 30 Jan 2023

The construction exclusion zones shown on the Tree Protection Plan ref WPT 1 shall be erected in accordance with the approved details. Any protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s or hedges shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree or hedges are removed, uprooted, destroyed or dies, another tree or hedge shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree or hedge” means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To ensure the retention of trees and hedges on the site in the interests of visual amenity and ecological enhancement.

10 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning

authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Working method statements for protected/priority species, such as nesting birds, bats and reptiles.
c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for bats and Himalayan balsam; this should comprise the preconstruction/construction related elements of strategies only.
d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP to be submitted and agreed under this condition, or, any CEMP subsequently agreed by the Local Planning Authority under PL/2023/09446.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable. The Local Planning Authority is considering a CEMP under PL/2023/09446 for Condition No 10 of PL/2023/00315.

11 Before the replacement dwelling and the pool house are completed and occupied, bat and bird mitigation and the new / additional hedge planting shall be incorporated into the development in accordance with the mitigation and enhancement details shown on the following plans:

- Proposed Pool House East and West Elevation, Drawing No. 22/792/P502, Revision: A, Date: 09.03.23 by Richmond Bell Architects Ltd.
- Proposed Side Elevation (South), Drawing No. 22/792/P113, Revision: C, Date: 09.03.23 by Richmond Bell Architects Ltd.
- Proposed Rear Elevation, Drawing No. 22/792/P111, Revision: C, Date: 09.03.23 by Richmond Bell Architects Ltd.
- Proposed Front Elevation, Drawing No. 22/792/P110, Revision: C, Date: 09.03.23 by Richmond Bell Architects Ltd.
- Proposed Site Plan, Drawing No. 22/792/P003, Revision: B, Date: 15.03.23 by Richmond Bell Architects Ltd.

or as otherwise specified in a relevant European Protected Species Licence

superseding this permission. The installation of the ecological features will be supervised by a professional ecologist. These features shall continue to be available for bats and birds for the lifetime of the development.

REASON: To mitigate for impacts to bats and birds arising from the development.

12 The finished floor levels for the replacement dwelling shall be implemented in accordance with the recommendations in the Flood Risk Assessment dated April 2023 and shall be set no lower than those of the existing dwelling to be replaced.

Reason: The area is at risk of groundwater flooding. To protect future occupiers and ensure that the development does not increase the risk of flooding elsewhere.

13 The replacement dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation

**Informatives:**

**Right of Way**
Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way in the vicinity of the site (Bridleway DSTM 48 forms the south east boundary to the site).

**CIL**
The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

**Bats**
The roof space of property is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of

this nature.

**Birds**
The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding.
Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

**Lighting**
The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Please also refer to the AONB Position Statement on Light Pollution at www.ccwwdaonb.org.uk

**Reptiles**
There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

**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