Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08611

Decision Date: 26 January 2024

Applicant:	Mr & Mrs Bowers Mead Acre The Street, Milton Lilbourne, Wiltshire, SN9 5LQ
Particulars of Development:	Change of use to land from agricultural to equestrian, erection of stables and store building, and formation of hardstanding
At:	MEAD ACRE, MILTON LILBOURNE, PEWSEY, SN9 5LQ

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: (16)

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 and details:

- Existing site layout ref. 01A.
- Existing site location plan and block plan ref. 02B.
- Proposed site layout ref. 03C.
- Proposed site location plan and block plan ref. 04D.
- Proposed barn layout, elevations, roof plan and section ref. 05B.
- Proposed stable layout, elevations, roof plan and section ref. 06B.

- Proposed section A-A ref. 07B.
- Tree Protection Plan ref. 2141-01.
- Arboricultural Impact Assessment ref. 2141.
- Nutrients statement ref. MLP23024.
- Biodiversity Net Gain assessment ref. 366/R2/2023/V1 rev. 1 'final'.

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

3 Before the development hereby approved commences, the following information shall be submitted for approval in writing by the Local Planning Authority:

1) Detailed plans of both the existing and proposed drainage systems on site.
2) A plan showing overland exceedance routes for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event, that minimise the risk to people and property.
3) A construction management plan that demonstrates how pollution to groundwater will be mitigated, and how flood risk to people and property will be mitigated.
4) Clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features).

The development shall thereafter be undertaken in full accordance with the agreed details and all agreed drainage features shall be retained and adequately maintained for the lifetime of the development.

REASON: the application contained insufficient information to enable drainage details to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences. This is in order that the development is undertaken in an acceptable manner, to ensure a satisfactory drainage arrangement.

4 No development shall commence onsite until details of the arrangements for the storage and/or disposal of manure and other material derived from the keeping of horses or livestock have been submitted to and approved by the Local Planning Authority. The details are to include a plan illustrating where the material will be stored and details of the construction and design of the structure/enclosure within which the material will be stored. The storage of manure and other material derived from the keeping of horses shall only be carried out in accordance with the approved details.

REASON: the application contained insufficient information to enable waste storage details to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences. This is in the interests of residential amenity.

5 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160m to the east (out of the village) and 120m to the west (towards the

village) from the centre of the access in accordance with plans to be submitted to and approved by the Local Planning Authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: in the interests of highway safety.

6 The development hereby permitted shall not be first brought into use until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel), with gates set back at 5m and open away from the highway. The access shall be maintained as such thereafter.

REASON: in the interests of highway safety.

7 The development hereby permitted shall not be first brought into first use until a recessed entrance with a minimum width of 5m has been constructed 5m back from the carriageway edge and with 3m radii curves at its sides. These features shall be maintained as such thereafter.

REASON: in the interests of highway safety.

8 Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: to ensure that the highway is not inundated with private water.

9 The gradient of the access way shall not at any point be no steeper than 1m in 15 metres from its junction with the public highway.

REASON: in the interests of highway safety.

10 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.

11 No external lighting shall be installed on the site unless agreed in writing by the Local Planning Authority.

REASON: in the interests of landscape character and biodiversity.

12 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed. At no time shall it be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition, leisure rides. There shall be no livery undertaken for friends or acquaintances, whether paid or unpaid.

REASON: in the interests of highway safety and to protect the living conditions of nearby residents.

13 The development shall be carried out in strict accordance with the ecological mitigation and enhancement measures set out on the approved plans and in the Preliminary Ecological Appraisal ref. 366/R1/2023/V1 rev. 1 'final'. The mitigation and enhancement measures shall be retained and maintained for the lifetime of the development.

REASON: to ensure the delivery of ecological mitigation and enhancement measures.

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

REASON: in the interests of residential amenity.

15 In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with contamination. This shall be informed by a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 The planting shown on approved plan ref. 03C shall be carried out in the first planting and seeding season following the first use of either of the buildings, or the completion of the development, whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

All planting shown on approved plan ref. 03C, including the hedging labelled as 'existing young native species hedge' shall be retained for the lifetime of the development. Any trees or plants that 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.

All hard landscaping shall be carried out in accordance with the approved details prior to the

first use of either of the buildings or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

Informatives: (4)

17 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.

18 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.

19 Nesting birds

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.

Protected species general

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

20 Should the applicant wish to apply to install lighting in the future, 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 GN08/23 ‘Bats and artificial lighting at night’, issued by the Bat Conservation Trust and Institution of Lighting Professionals

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

4 **CIL.** 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. 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy