The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10902

Decision Date: 27 March 2024

Applicant:	Mr M & Mrs K Elderfield Saddlepack Farm Fullaway Farm North East To Stert Road, Stert, Wiltshire, SN10 3HZ
Particulars of Development:	Temporary Agricultural Workers Dwelling
At:	Saddlepack Farm, Stert, Devizes, SN10 3HZ

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: (12)

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 documents:

- Application Form
- Design and Access Statement (Dec 2023)
- Agricultural Statement (Nov 2023)
- Site Location Plan
- Proposed Site Plan
- Proposed Elevations and Floor Plan

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

3 The development shall be carried out in strict accordance with the following documents:

- Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental)

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4 The existing unauthorised mobile home, metal shipping container and associated paraphernalia, and the hardcore ground surfacing on which they stand, shall be permanently removed from the farm (Saddlepack Farm) within 4 months of the date of first occupation of the temporary accommodation hereby approved or within 8 months of the date of this planning permission, whichever is the sooner, and the land shall then be restored in accordance with the approved details contained within the Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental).

REASON: In order to safeguard and restore that part of the priority habitat in the interests of biodiversity and ecology and the character and appearance of the area.

INFORMATIVE: This condition is necessary to ensure that the existing unauthorised mobile home and the associated development located elsewhere on the farm and within the designated priority habitat are removed as soon as is practical whilst allowing a reasonable timeframe for the new temporary accommodation to be installed, its pre-commencement conditions discharged and its occupation commenced. The applicant is reminded that the existing unauthorised mobile home remains subject to an Enforcement Notice which is awaiting an appeal decision. This planning permission does not affect the Enforcement Notice other than by allowing a short period of time for retention of the unauthorised development during implementation.

5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
a. location and current canopy spread of all existing trees and hedgerows bounding the application site;
b. full details of any to be retained, together with measures for their protection in the course of development;
c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
d. any trees (details of their size, species and locations to be agreed in writing with the Local Planning Authority), shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
e. Fencing around the priority woodland restoration area, including height, type.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of conserving and enhancing biodiversity.

6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building 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. 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.
All hard landscaping fencing etc. shall also be carried out in accordance with the approved details prior to the occupation of any part of the development 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 and in the interests of conserving and enhancing biodiversity.

7 Prior to the occupation of the temporary accommodation hereby approved, a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be constructed in accordance with the approved scheme within three months of the occupation of the temporary accommodation.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8 Prior to the occupation of the temporary accommodation hereby approved details of the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The temporary accommodation shall also not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the

risk of flooding or pose a risk to public health or the environment.

9 The occupation of the temporary accommodation shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for temporary residential accommodation in this location having been demonstrated.

10 The mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before the 27 March 2027 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission would not normally be granted, but regard has been had to the functional needs of the agricultural enterprise in granting a planning permission of limited duration. Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

11 No external lighting shall be installed on-site unless otherwise agreed in writing by the local planning authority. Details should include plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of conserving biodiversity and in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no

buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

Informatives: (2)

13 Informative:
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 any planning 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.

14 Informatives:
Breeding 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.

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