Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10643

Decision Date: 04 April 2024

Applicant:	Mr & Mrs Jeremy Difazio Rowden Farm, Rowden Lane, Bradford on Avon, Wiltshire, BA15 2AB
Particulars of Development:	Erection of stables, hay store and tack room. Use of land for equestrian purposes and installation of photo-voltaic array to serve dwelling
At:	Land Opposite Rowden Farm, Rowden Lane, Bradford on Avon, Wilts

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:

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:

Drawing No. 02 Rev.A (Location Plan) received 13/03/2024
Drawing No. 03 Rev.B (Existing Site Plan) received 13/03/2024
Drawing No. 04 Rev.F (Proposed Site Plan) received 13/03/2024
Drawing No. 05 Rev.B (Proposed Plans (Stables)) received 13/03/2024
Drawing No. 06 Rev.D (Proposed Elevations (Stables)) received 13/03/2024
Drawing No. 07 Rev.A (Proposed Details (PV Unit)) received 05/01/2024

Exterior Lighting Details received 13/03/2024
Further Lighting Details received 13/03/2024
Solar Panel Technical Specification received 05/01/2024
Preliminary Ecological Appraisal Report (Ref: 2023-069 Version 1) by Smart Ecology dated 05/12/2023
Planning Statement by Land, Development & Planning Consultants Ltd received 05/12/2023
Site Specific Flood Risk Assessment by Land, Development & Planning Consultants Ltd dated 05/12/2023

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

3 The development hereby permitted shall only be used for the private grazing and stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety, the character and appearance of the countryside, openness of the Green Belt and to protect the living conditions of nearby residents.

4 The structures identified for removal (as detailed in the approved 'Proposed Site Plan') shall be permanently removed from the site before the new building is first bought into use. No portable buildings or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the written consent of the Local Planning Authority.

REASON: In order to protect the character and appearance of the countryside and openness of the Green Belt.

5 No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the character and appearance of the countryside and openness of the Green Belt.

6 In the event of the hereby approved photovoltaic panels becoming disused, obsolete or faulty beyond reasonable repair, within three months of their last use, all the above-ground infrastructure shall be removed from the site, and the land shall be made good to its appearance at the time immediately before the panels' first installation.

REASON: In the interests of safeguarding the Green Belt and good planning.

7 Lighting will be installed in accordance with the approved plans and information. No additional external light fixtures or fittings will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

8 All soft landscaping (trees and hedgerows) identified to be retained shall be suitably protected during the course of construction works. Additional infill planting as detailed in the approved plans and information shall be carried out in the first planting and seeding season following the first use of the new building. 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 shall also be carried out in accordance with the approved details prior to the first use of the new building or in accordance with a programme to be agreed in writing with the Local Planning Authority.

The installation of features for bats and birds will be supervised by a professional ecologist and features will continue to be available for the target species for the lifetime of the development.

REASON: To ensure a satisfactory landscaped setting for the development, ensure the protection of existing important landscape features and to provide enhancement for biodiversity.

Informatives:

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 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 landowners 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.

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.

Anyone who keeps horses has a 'Duty of Care' to ensure that their horse manure is stored and disposed of correctly. The Waste Duty of Care Code of Practice (2018) describes how to do this. The following Government web site provides important information: www.gov.uk/keeping-horses

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