Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/04959

Decision Date: 10 July 2024

Applicant:	Mr Russell Barnett c/o LD& PC Ltd, The Studio, 82 Broadmead, Corsham, Wiltshire, SN13 9AP
Particulars of Development:	Retrospective change of use of land to mixed use agricultural and seasonal recreational tourist uses including use of lake for recreational fishing (sui generis). Part retrospective permission for the retention of a mess and reception portacabin, a portacabin for solar panel equipment and 3no.storage containers ancillary to the mixed use. Erection of new agricultural building for agricultural use. Part retrospective permission for the formation of hardstanding and track relating to the mixed use and associated works.
At:	Land Off Fairwood Road, Dilton Marsh, 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: (17)

1 The agricultural building 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:
Location Plan ref: LDC2341A_01F

Site Plan ref: LDC2341_02C
Proposed Site Plan (2) ref: LDC2341_12D
Site Plan LDC2341-11C
Proposed Site Plan ref: LDC2341_09D
Wildlife Site Plan ref: LDC2341_21A
Additional Visibility Splay ref: LDC2341_20A
Landscaping Details Plan ref: LDC2341-19
Portacabin Hay Store Plan ref: LDC2341-16A
Tool Storage Containers Plan ref: LDC2341-13A
Hay Storage Container Plan ref: LDC2341-15A
Portacabin (Photovoltaics) Plan ref: LDC2341-14A
Fishing Stand Plan ref: LDC2341-17
Bell Tent & Fencing Detail Plan ref: LDC2341-18
Existing Barn Plan and Elevations ref: LDC2341_04
Proposed Barn Plan and Elevations ref: LDC2341_10A
WC and Washing Facilities Plans and Elevations ref: LDC2341_07A
Mobile Home Elevations ref: LDC2341_03
Preliminary Ecological Appraisal Report v1.1 07 12
Flood Risk Assessment received 27 June

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

3 The manure management plan containing details of the manure storage and removal associated with livestock (including but not limited to pigs) on site as shown on drawing LDC.2341_12D, shall be implemented within 6 weeks of the date of this approval. The development shall remain in accordance with these agreed details for its lifetime.

REASON: In the interests of amenity of the occupiers of the site

4 By 30th November 2024, the applicant shall submit a surface water drainage strategy and drainage plan to the LPA for agreement in writing, with calculations 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 and confirming that no surface water will enter the highway.

If overland flows will be directed towards proposed bell tents, the applicant must outline the finished floor level of the tents, and outline the mitigation taken to prevent flooding when in use as hospitality.

Once agreed by the LPA, the approved details shall be implemented by 1st April 2025 and maintained as such thereafter.

REASON: In the interests of health and safety of future users of the site and to ensure adequate drainage is achieved on site

5 By 1st April 2025 the turning area & parking spaces [no.11] will be completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

6 The visibility splays between the edge of the carriageway and a line extending from a point 2.4m 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 59.4 metres to the West and 48.4 metres to the South from the centre of the access shall 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.

7 The approved scheme of hard and soft landscaping for the areas at the access around the proposed PV panel portacabin, mess building and 3 storage containers shall be completed before 1st April 2025.

REASON: To ensure a satisfactory landscaped setting for the development

8 For the avoidance of doubt, the development will be carried out in strict accordance with the following documents:
• Preliminary Ecological Appraisal Report. Report ref: 2023-055. V1.1. 05/12/2023. Smart Ecology.
• Proposed Site Plan. Drawing no: 09 Rev E.
• Proposed Site Plan. Drawing no: 12 Rev C.
• Site Plan. Drawing no: 02 Rev C.
• Wildlife Site Plan. Drawing no: 21 Rev A.
• Supplementary Planning Statement. Report ref: SPS_2341A

REASON: For the protection, mitigation and enhancement of biodiversity on site

9 No external light fixture or fitting 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. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats.

10 The first 10m of the access, measured from the edge of the carriageway shall be retained consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

11 By 1st April 2025, other than those buildings, chattels and storage areas specifically approved as part of this application, all other buildings, chattels, materials and items on and around the site shall be cleared from the site in its entirety.

Photographs of the cleared site and landscaping in situ shall be submitted and agreed as satisfactory in writing by the LPA within 18months of the date of this decision.

REASON: In the interests of the amenity of the site and surrounding area and users of the site

12 All soft landscaping comprised in the approved details of landscaping shown on approved plan ref: LDC2341-19 shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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 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.

13

The development hereby approved shall be limited to no more than 4 bell tents and the associated infrastructure on site at any one time of the type as shown on the approved plans.

REASON: To ensure that full assessment of the impact of any additional pods can be properly undertaken by the LPA in respect of landscape, biodiversity and amenity impact

14 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or any order which revokes and re-enacts that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is 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 permanent residential accommodation.

15 No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be reoccupied by the same person/s within 28 days following the end of that period.

REASON: This site is 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 permanent residential accommodation.

16 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site or across the site other than in the storage locations expressly approved as part of this application.

REASON: In the interests of the appearance of the site and the amenities of the area.

17 The seasonal camping uses hereby permitted shall operate from 1st April to 31st October and shall not operate between 1st November and 31st March in any calendar year.

REASON: In the interests of amenity of the site.

Informatives: (1)

18 Land Drainage
Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. Information can be found here: https://www.wiltshire.gov.uk/civil-emergencies-land-drainage-ordinarywatercourse

Protected Species
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.

DRAINAGE
Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

SAFETY
Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

LEVEL CROSSINGS

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, this stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

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