



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2024/03320

Decision Date: 18 December 2024

Applicant: Mrs A Johnson
Lockeridge Down Church Hill West Overton South East
C202 To Lockeridge By Primary School, Lockeridge,
Wiltshire, SN8 4EL

Particulars of Development: Proposed change of use to extend residential garden and
proposed swimming pool

At: Lockeridge Down House, Lockeridge, Marlborough, Wilts,
SN8 4EL

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 39 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: (5)

- 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:

- 02A – Proposed Block and Location Plan;
- 03A – Proposed Site Plan;
- 04 – Existing and Proposed Site Sections.

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

- 3 The development hereby approved shall be implemented in accordance with the precautionary measures recommended in relation to Amphibians, Badgers and Breeding Birds (Pages 15-16) of the submitted Preliminary Ecological Survey (Dated: May 2024. Author: Dr Jonty Denton).

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

- 4 The extended garden and swimming pool hereby approved shall not be occupied or brought into use until the means of enclosure (post and rail fence and replacement hedge) and tree planting have been implemented in full in accordance with details that shall first be submitted to and agreed in writing by the local planning authority.

As a minimum, the details shall include:

- a) a detailed plan identifying existing trees and hedges to be retained and/or removed;
- b) a planting plan showing locations, species, supply/planting sizes and densities, and details of after-care/maintenance.

Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.

REASON: To ensure a satisfactory landscaped setting for the development and to protect the special characteristics of the North Wessex Downs National Landscape in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

- 5 No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained tree(s) or hedgerow or adjoining land. No concrete, oil, cement, bitumen or other chemicals shall be mixed or stored, and no workers compounds/facilities or heavy machinery will be located or stored, within 10 metres of the trunk of any tree(s) or hedgerow to be retained on the site or adjoining land.

REASON: To ensure the retention of trees on and off site in the interests of visual amenity and in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

Informatives: (1)

1 IMPORTANT PLEASE READ – BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Confirmation of how the development will achieve BNG is a post-determination however matter the applicant should be aware that it is unlikely that BNG can be achieved on-site with the current scheme. As the post-development private garden has no public access, biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either ‘urban – vegetated garden’; or ‘urban - unvegetated garden’ (see Page 27 of The Small Sites Metric User Guide). If the applicant wishes to deliver BNG outside of the application boundary but within the ownership boundary they should be aware that all off-site biodiversity gains sites must be registered on the national biodiversity gains site register.

Guidance on how to register a biodiversity gains site including a list of items required to apply can be found here - [Register a biodiversity gain site](#) . In order for the Biodiversity Gain Plan condition to be discharged all off-site gains must be shown on the Biodiversity Gain Plan as allocated to this development on the national biodiversity gains site register.

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 [Community Infrastructure Levy \(CIL\) - Wiltshire Council](#)

