The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10145

Decision Date: 08/04/2025

Applicant:	Mr Lee Johnson Open View, Main Road, Winterbourne Earls, Salisbury, Wiltshire, United Kingdom, SP4 6DS
Particulars of Development:	Change of Use of land to provide 3No. Additional Gypsy and Traveller family pitches for an extended family, consisting of a 3No. Static Mobile Homes, parking for 6 vehicles 2 per pitch, turning area, passing places, together with the laying of other hardstanding's.
At:	Land between Open View and Little Acre, Main Road, Winterbourne Earls, Salisbury, Wilts, SP4 6DS

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:

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:

DWG No: 23/BROKEN/01 Site Location Plan Date Received 22.11.23

DWG No: 23/BROKEN/06 Rev A Proposed Site Layout Plan with PTP Date Received 08.04.25

DWG No: 23/BROKEN/04 Rev A Part Proposed Block Plan Date Received 08.04.25

DWG No: 23/BROKEN/05 Part Proposed Block Plan Date Received 22.11.23

Preliminary Ecological Assessment Date Received 05.08.24

Nutrient Neutrality Assessment and Mitigation Strategy Date Received 16.12.24

Noise Impact Assessment undertaken by Venta Acoustics report ref: VA3639.240122.NIA2 Dated January 2024 Date Received 21.02.24

Additional Response from Venta Acoustics ref: VA3639.240419.M1 Dated April 2024 Date Received 22.04.24

Design and Access Statement Date Received 22.11.23

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

3 The site shall not be occupied by any persons other than Gypsies and Travellers and those who cease to travel permanently due to ill health or old age as defined in Annex 1 (updated on the 12th December 2024) to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).

REASON: To define the scope of the consent.

4 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

REASON: To preserve the character of the area.

5 No commercial activities shall take place on the land, including the storage of materials.

REASON: To preserve the character of the area.

6 All lighting provided on site shall 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 and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

7 The existing package treatment plant (PTP) shall be removed and the proposed package treatment plant and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the three mobile homes are occupied and they shall be maintained and operated thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future package treatment plant is of an equivalent or improved standard.

8 The development hereby permitted shall not commence until evidence of compliance to the Wiltshire New Forest Protected Sites Recreational Impacts Mitigation Scheme, or an alternative approved mitigation package addressing the recreation pressure arising from the development, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017.

9 The residential units hereby approved shall be designed to ensure they do not exceed 110 litres per person per day water consumption levels (which includes external water usage) and shall not be first occupied until a water efficiency assessment has been undertaken to confirm compliance with the Building Regulations Optional requirement of a maximum water use.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

10 The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

11 Any gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

12 Prior to the development hereby permitted first being brought into use, all mitigation measures as detailed in the Venta Acoustics report dated 26th January and additional response dated 19th April 2024 (reference VA3639.240122.NIA2 and VA3639.240419.M1) shall be installed in full and maintained at all times thereafter.

REASON: In the interests of amenity.

13 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:

(i) location and current canopy spread of all existing trees and hedgerows on the land;

(ii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

(iii) means of enclosure to include details of fencing and any gates;

(iv) all hard and soft surfacing materials;

(v) minor artefacts and structures to include refuse storage units.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

14 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 mobile homes or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained for the duration of the development from the commencement of the scheme and shall be protected from damage by vermin and stock. Any trees or plants which, 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.

Informatives to applicant(s):

1 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.

2 There is a residual risk that reptiles could occur on the application site. These species are legally protected, and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

3 A non-mains sewerage system is proposed. The area in which the development is located is within close proximity to the River Avon and may experience flooding and ground water conditions of concern. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality" Any installation of a Package Treatment Plant needs to meet approval of Environment Agency's requirements under their permitting role.

4 In regard to condition 8, evidence of compliance to the Wiltshire Council New Forest Protected Sites Recreational Impacts Mitigation Scheme means confirmation of payment of the financial contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

5 Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website

(https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/)

6 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. For further information on exempt developments please refer to:

https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments

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 are considered to apply. Irreplaceable habitat If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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