

Town & Country Planning Act 1990

**Notice of Planning Permission for Variation/Non-Compliance with a condition
imposed on an earlier permission**

Application Reference Number: 14/08266/VAR

Agent Mr Robert Knowles Melbourne View Brinkworth Chippenham Wiltshire SN15 5DA	Applicant Mr Robert Knowles Melbourne View Brinkworth Chippenham Wiltshire SN15 5DA
Parish: BRINKWORTH	
Particulars of Development: Variation of Conditions 3 & 8 of Planning Permission 14/03251 - Relating to Number of Caravans/Mobile Homes, plus Storage for 4 Empty Touring Caravans.	
At: Melbourne View, Brinkworth, Chippenham, Wiltshire, SN15 5DA	

In pursuance of their powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 187 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 compliance with any condition(s) specified hereunder:-

- 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 site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1, annex 1 of the Communities and Local Government publication Planning Policy for Traveller Sites, March 2012.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 3 No more than fifteen caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than three shall be a static caravan or mobile home and no more than twelve shall be touring caravans, shall at any time be stationed on the site, the boundaries of which are as indicated by the red line on the approved 1:1250 scale plan.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3 and H9 of the North Wiltshire Local Plan 2011 and Core Policies 48 and 57 of the Wiltshire Core Strategy.

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

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 5 No more than one commercial vehicle per additional caravan hereby permitted shall be kept on the land for use by the occupiers of the additional caravan hereby permitted.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 6 Except for the keeping of commercial vehicles in accordance with condition 5 of this permission, no commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or wall, fence or other means of enclosure, other than those shown on the approved plans or as part of any approved landscaping scheme, shall be erected or placed anywhere on the site.

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

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site location plan
- Site plan
- Day room block plan

All date stamped 1st September 2014.

REASON:

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

- 9 The four touring caravan hereby granted permission to be stored on site shall not be occupied at anytime for residential or holiday purposes.

Reason: It is important to ensure the residential amenity of the site in accordance with policies C3 and H9 of the North Wiltshire Local Plan 2011 and Core Policies 48 and 57 of the Wiltshire Core Strategy.

Signed



**Director for Economic Development & Planning
2014**

Dated: 03 December

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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.

In particular the applicant is reminded of the following matters:-

- 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 – www.planningportal.gov.uk/planning/appeals). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.
3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – www.wiltshire.gov.uk. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request that you apply well in advance of when you intend to start work