

The Town and Country Planning Act 1990
Approval of Householder Planning Permission with Conditions
Application Reference Number: PL/2026/01189
Decision Date: 28/04/2026

Applicant:	Mr and Mrs Sophie and Nicholas Irby Fosgate House Upper Chute Andover SP11 9EW
Particulars of Development:	Construction of a hard surfaced tennis court with surround fencing
At:	Fosgate House, Upper Chute, Andover, SP11 9EW

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:

- 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:

Location Plan, received 19/02/2026

Figure 2 Block Plan, received 19/02/2026

Figure 3 Fence Elevations, received 19/02/2026

Figure 4 Fence and Court detail, received 19/02/2026

Figure 7 Soft Landscaping Plan, received 19/02/2026

Figure 8 Method Statement – Protecting and safeguarding Great Crested Newts during the construction of the tennis court, received 19/02/2026

Design & Access Statement, received 19/02/2026

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

- 3** The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4** The development will be carried out in strict accordance with the following documents:

Figure 8 – Great Crested Newts Method Statement, Mark Jarman, December 2025

Figure 7 – Soft Landscaping Plan

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

Informative

- 5** 1. The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the Highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way CHUT18 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

The applicant should note that no gates or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer

(contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

Nic Thomas - Director of Planning, Economy and Regeneration

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 **General Informative for Householder Planning Permissions** Please note: The following informative combines a number of standard notes commonly applied to householder planning permissions. Not all of the points listed below will be relevant to your specific proposal.
- 5 **Biodiversity Net Gain (BNG) Not Required** The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.

- 6 **Wildlife and Countryside Act.** The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. 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.
- 7 **Permission Not Authorising Work on Land Outside the Applicant's Control & Party Wall Act.** 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 landowner's 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.
- 8 **Works to Highway – Consent Required by Highway Authority.** The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
- 9 **Material Samples.** Please note that if material samples are required to be submitted to the Council for agreement, the Council do not have the facility to receive or store physical samples. Instead you are encouraged to provide full manufacturer details and name/colour of the proposed sample along with a weblink and/or a photograph of the sample material. The case officer will advise if anything else is required to satisfy this condition during the discharge of condition phase.
- 10 **Building Regulations.** 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.
- 11 **Structures Near Public Sewers.** The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.