

## Town & Country Planning Act 1990

### **Notification of Full Planning**

**Application Reference Number: 19/06300/WCM**

<b>Agent</b> Mr Stuart Anderson Willis & Co (Town Planning) Ltd 30 The Causeway Chippenham SN15 3DB	<b>Applicant</b> Mr and Mrs Holloway Bekson Farm 54 Whaddon Lane Hilperton BA14 7RN
<b>Particulars of Development: Change of use to waste recovery operation and Siting of a Biomass boiler and container for the control unit</b>	
<b>At: Bekson Farm 54 Whaddon Lane Hilperton BA14 7RN</b>	

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 Boiler and its flue, the boiler control container and all connecting apparatus hereby permitted shall be removed, and the use (the production of wood chip) hereby permitted shall be discontinued, and the land restored to its former condition (hardstanding) on or before 10 February 2022 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, in order to secure the restoration of the land upon removal of the boiler and use for which permission can be justified only on the basis of a special temporary need.

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

Design and Access Statement, Site Location Plan, Glen Farrow Boiler details – all received 1 July 2019; Biofuel Report, Glen Farrow RHI Certificate and Letter and RHI Emissions Certificate - all received 5 November 2019 and; Air Quality Statement 24 December 2019.

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

3. Within one month of this permission, a boiler Management Plan that identifies how the following boiler fuel issues will be managed;

- Over-filling
- Low furnace temperature
- Inadequate ventilation
- Fuel with a high moisture content
- Different fuel type (to that assumed in the assessment)

shall be submitted to and approved in writing by the local planning authority. The operation of the boiler shall be carried out in strict accordance with the approved details.

REASON: In the interests of residential amenity to protect from potentially harmful levels of smoke, fumes and general disturbance from the operation of the boiler.

4. The use and operation of the boiler hereby permitted shall only take place between the hours of 0600 in the morning and 1800 in the evening from Mondays to Fridays. The use and operation of the boiler shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: In the interests of residential amenity to protect from potentially harmful levels of smoke, fumes and general disturbance from the operation of the boiler.

5. No more than two container loads of woodchip for biomass shall be dried on site in a week.

REASON: In the interests of residential amenity to protect from potentially harmful levels of smoke, fumes and general disturbance from the operation of the boiler and in the interests of highway safety.

INFORMATIVES TO APPLICANT:

1. The applicant is respectfully advised to continue to consider increasing the height of the flue and/or to move the boiler to the other side of the former piggeries barn. Should an Environmental Health complaint be received, and is upheld within the next two years, further planning permission would be likely to be very difficult to obtain once this temporary permission expires. In any such circumstances significant alterations and/or further evidence will be required to satisfy that the boiler can operate without causing potential harm to neighbouring amenity.
2. The applicant is respectfully advised to consider finding a storage solution, to be able to store all wooden pallets and logs for combustion in the boiler, under cover, as the moisture content of the pallets will affect the rate that they burn and how much smoke and fumes they produce. This may require securing planning permission for a further structure on site.

**Signed**

*Sam Fox*

**Director Economic Development & Planning**

**Dated: 10 February 2020**

Town and Country Planning Act 1990  
**PERMISSION FOR DEVELOPMENT**  
**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 - <http://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.

**Appeals where an enforcement notice has been issued.** Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

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 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.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. 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
6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at [streetnaming@wiltshire.gov.uk](mailto:streetnaming@wiltshire.gov.uk)
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.