

Application Reference Number 07/02522/COU



NOTIFICATION OF PLANNING PERMISSION

Name of Local Planning Authority: NORTH WILTSHIRE DISTRICT COUNCIL
Monkton Park, Chippenham, Wiltshire, SN15 1ER

Brief Details of Application in the Parish of: Leigh/Purton

Applicant

Mr M Orchard
Flat 141
116 Commercial Road
Swindon
Wiltshire
SN1 5BD

Agent

Mr Grosscurth
James Slater and Co.
Chartered Building Surveyors
53 Dyer Street
Cirencester
Gloucestershire
GL7 2PP

Location

Land off Braydon Road (Bridge Paddocks), Part of
OS 8014

Proposal

Erection of stable block including tack room and
change of use of land to equestrian and
construction of vehicular access

Registration Date: 17 October 2007

Permission Granted: 7 December, 2007

PERMISSION GRANTED FOR THE FOLLOWING REASON:

The proposal is in accordance with Policies C3, NE15 and NE18 of the North Wiltshire Local Plan 2011 and is not considered to have a harmful effect on the living conditions of the neighbours to the north of the site nor a harmful effect on the character and appearance of this part of the open countryside.

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 Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

- 3 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

Reason: To prevent the introduction of a commercial use into the area in the interests of highway safety and rural amenity.

- 4 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment shall be stationed on the site to which this application relates without the prior approval in writing of the local planning authority.

Reason In the interests of the rural character and appearance of the area.

- 5 No external lighting shall be installed within the site unless first approved in writing by the local planning authority.

Reason: To enable the local planning authority to ensure that the illumination does not result in light spillage which would harm the amenity of the area and to comply with policies C3, NE15 and NE18 of the North Wiltshire Local Plan 2011.

- 6 The development hereby permitted shall not be commenced until detail of the landscaping of the site including the removal of existing conifer hedge and their replacement with more appropriate native species, the removal of waste material on the shared ownership area where the permitted plan indicates 'grassed area' as well as details of the works to repair the access track and details of the grass re-seeding of this track have been submitted to and approved in writing by the local planning authority.

Details shall include:

- a) the siting of the stable block in relation to the mature hedge with existing trees, showing a clear separation distance between the trees and permitted building;
- b) existing and proposed soil levels at the base of the hedgerow and proposal for the hedgerow protection during construction works
- c) the details of all proposed tree and hedge planting including species, number, sizes and positions.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity of the area and to ensure the creation of a pleasant rural environment for the development and to comply with Policies C3 and NE15 of the North Wiltshire Local Plan 2011.

- 7 No development shall take place until details of the roofing materials to be used externally have been submitted to and approved in writing by the local planning authority. The works shall be carried out in the materials so approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policies C3 and NE15 of the North Wiltshire Local Plan 2011.

- 8 The site shall be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

Reason: To prevent pollution of the ground water and in accordance with Policies C3 and NE18 of the North Wiltshire Local Plan 2011.

- 9 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes or via soakaways/ditches.

Reason: To prevent pollution of the ground water and in accordance with policies C3 and NE18 of the North Wiltshire Local Plan 2011.

- 10 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 215m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility as and

above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

INFORMATIVES:

1. Notes are given for your assistance. There may be other matters not mentioned which you will need to consider. North Wiltshire District Council takes no responsibility for omitting reference to such matters here.
2. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.
3. A public footpath/bridleway is affected by this proposal. A planning permission does not authorise the stopping up or diversion of the footpath/bridleway. There is a statutory procedure for this which can be lengthy. Please write in the first instance to The Head of Administration to the Council, North Wiltshire District Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER, quoting the reference number of the planning permission.
4. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take our own independent advice with regard to the requirements of the Party Wall Act, 1996.

5. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Revised OS plan dated 12th Oct 2007. Plan showing shared ownership area by vehicular access dated 25th September 2007. Revised Dwg No: 07-223-01/Rev B dated 30th November 2007.

6. Manure/dung heaps shall be sited in an area where they will not cause pollution of any watercourses or water source by the release of contaminated run-off. The subsequent disposal of collected wastes shall be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

Dated: 7 December, 2007

C. H. Pearce

Development Control Manager

NORTH WILTSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990

PERMISSION GRANTED FOR CHANGE OF USE

1. The Local Planning Authority HEREBY GRANT PLANNING PERMISSION subject to the scheduled conditions (if any) for the development proposed by the applicant in the application, which is expressly incorporated herewith and is briefly described in the Schedule forming part of this permission.
2. The scheduled conditions (if any) have been imposed for the reasons set out in the Schedule.
3. "The Local Planning Authority", "the scheduled conditions", and "the application" referred to above are those described in the Schedule.

NOTES

1. **Time Limits on Planning Permissions.** By virtue of Section 91 - 96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits (as appropriate) will apply:-
 - 1.1 **Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made within 3 years from the date of the outline planning permission and further the development to which the permission relates must be begun either within 2 years from the final approval of all the matters reserved..
 - 1.2 **Where the planning permission is complete and is not in outline** then the development must be begun not later than the expiration of 3 years from the date on which permission was granted.
2. **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 district 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:-

- 2.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. You are advised to contact Building Control before considering work on site);**
- 2.2 the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath;
- 2.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
- 2.4 the need to make any appropriate arrangements under the Highways Act 1971, in respect of any works within the limits of a public highway. The address of the Highway Authority is Wiltshire County Council, County Hall, Trowbridge.

(It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

3. **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. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN) 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.

4. **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.
5. **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.
6. **Enforcement.** It is very important that you comply with the Council's decision. If your application has been allowed, you must follow the agreed plans carefully and comply with the conditions. If your application has been refused, then you cannot carry out the work or use that you applied for.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990. In such circumstances, the Council may well initiate enforcement action.