

Application Reference Number 08/01347/S73A



**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 & Mrs Fry
1 Bridge Paddock
Land at Braydon Road
Nr. Minety
Wiltshire

Agent

Mr Green
Green Planning Solutions LLP
3A High Street
Much Wenlock
Shropshire
TF13 6AA

Location

Bridge Paddock, Land at Braydon Road, Braydon
Road, Nr Minety, Wiltshire, SN6 6RQ

Proposal

Change of Use to Include the Stationing of
Caravans for One Gypsy Pitch with Retention of
Existing Use for Stabling of Horses

Registration Date: 27 May 2008

Permission Granted: 30 July, 2008

PERMISSION GRANTED FOR THE FOLLOWING REASON:

The applicant has gypsy status and a site outside a settlement could be acceptable under adopted policies. The site is not unacceptably harmful in its countryside location but is not sustainable in terms of its access to services and amenities. The proposal is, therefore, unacceptable. In view, however, of the current position in relation to the provision of permanent sites and the government advice in these circumstances it would be entirely appropriate for a temporary permission to be granted to allow for a permanent permission to be granted on an allocated site when such a site becomes available.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 The use hereby permitted shall be for a limited period being the period 2 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed, and the land restored to its former condition, or such condition as may be authorised by any other extant planning permission.

Reason: The site is in an unsustainable location where permission would not normally be granted. Temporary permission has been granted to allow for the provision of an alternative, permanent, allocated site.

- 2 There shall be no more than two caravans stationed on the site at any time, of which only one caravan may be a residential mobile home.

Reason: To limit the development to an appropriate scale.

- 3 The site shall not be occupied by any persons other than Gypsies, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960, as amended, or any Act revoking or re-enacting that Act.

Reason: The use of this site is only acceptable due to the gypsy status of the applicant.

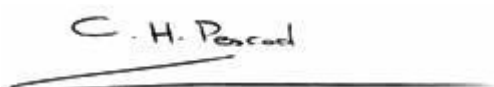
- 4 No commercial activity or use, other than the keeping of a commercial vehicle as defined in condition 5 below shall be carried out on the site, including the storage of materials and waste.
- Reason: In the interests of the amenity of the area.
- 5 No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in size.
- Reason: In the interests of the amenity of the area.
- 6 The stables shall be used only by persons resident at the site for private recreational purposes.
- Reason: In the interests of amenity, sustainability and highway safety.
- 7 Within 28 days of the date of this permission 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 at 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. 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

OS plan 07-164-WHIT3/001, proposed site plan 07-164-WHIT3/002 received by the local planning authority 27/05/08



Development Control Manager

Dated: 30 July, 2008

NORTH WILTSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

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 Customer Support Unit, 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 the Environment, 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.