

24<sup>th</sup> November 2025

Our Ref: SWLC.LPC5294

Development Services – North  
Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

Dear Sir/Madam

**Town and Country Planning Act 1990**  
**Section 73 application to vary condition No 2 imposed on application**  
**PL/2023/08493 - The Elms, Green Lane, Sherston, Malmesbury, SN16 0NP**

As your records will confirm the above application approved the 'Redevelopment of site to provide 4No detached dwellings'. Condition No 2 listed those plans and documents approved.

It is the purpose of the enclosed application to seek to substitute a set of plan revisions, reflecting the proposed minor design changes envisaged by the site's purchaser.

As you will be aware section 73 applications are intended to permit amendments that do not amount to fundamental alterations to the proposal put forward in the original application. The case of *R (Vue Entertainment Limited) v City of York Council [2017] EWCH 588 (Admin)* gave support for the use of section 73 in respect of changes to a condition that went beyond 'minor' amendments.

The changes proposed in this case do not impact the description of development and are listed below.

- Plot 1-integrate proposed garage as living accommodation and add open sided carport to the south eastern gable. Reorientate front porch
- Plot 2-remove rear porch and revise front porch design as an enclosed addition. Reposition garage door slightly.
- Plot 3-remove rear porch and revise front porch design as an enclosed addition 9mirroring plot 2).
- Plot 4-Redesign dwelling separating from retained outbuilding

The changes very clearly maintain the design approach approved and amount to minor changes only, such that had they formed part of the original submission would not have materially changed the assessment made.

For ease of reference, I have redrafted the condition below. Those plans to be substituted are in bold and those replaced are in red.

## Condition No 2

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

- Drawing No. LPC 5294 EX 01 A: Site Location Plan
- Drawing No. LPC 5294 EX 02 A: Existing Site Plan
- Drawing No. SWS012271ff: Existing First Floor Plan
- Drawing No. SWS012271gf: Existing Ground Floor Plan
- Drawing No. LPC 5294 EX 03: Existing Barn Floor Plan and Elevations
- Drawing No. SWS012271ele: Existing Elevations
- Drawing No. LPC 5294 EX 04 A: Existing Street Elevations
- Drawing No. LPC 5294 PL 01 B: Proposed Site Plan
- Drawing No. LPC 5294 PL 02: Unit 1 Proposed Floor Plans
- Drawing No. LPC 5294 PL 03 A: Unit 1 Proposed Elevations
- Drawing No. LPC 5294 PL 04 A: Unit 2 Proposed Floor Plans
- Drawing No. LPC 5294 PL 05 B: Unit 2 Proposed Elevations
- Drawing No. LPC 5294 PL 06 A: Unit 3 Proposed Floor Plans
- Drawing No. LPC 5294 PL 07 B: Unit 3 Proposed Elevations
- Drawing No. LPC 5294 PL 08 A: Unit 3 Garage Proposed Elevations
- Drawing No. LPC 5294 PL 09 A: Unit 4 Proposed Floor Plans
- Drawing No. LPC 5294 PL 10 A: Unit 4 Proposed Elevations
- Drawing No. LPC 5294 PL 11 B: Proposed Street Elevations
- **Drawing No.2519-30 Proposed floor plans Plot 1**
- **Drawing No.2519-31 Proposed elevations Plot 1**
- **Drawing No.2519-32 Proposed floor plans Plot 2**
- **Drawing No.2519-33 Proposed elevations Plot 2**
- **Drawing No.2519-34 Proposed floor plans Plot 3**
- **Drawing No.2519-35 Proposed elevations Plot 3**
- **Drawing No.2519-36a Proposed floor plans Plot 4**
- **Drawing No.2519-37a Proposed elevations Plot 4**
- **Drawing No.2519-38 Proposed garage details Plot 3**
- **Drawing No.2519-39 Proposed site plan**
- Drawing No. LPC 5294 PL 12 A: Units 1- 3 Visibility Splays
- Ecological Assessment Report - 1052 The Elms, Sherston Eco Report\_200923
- Preliminary Ecological Appraisal - 1052 The Elms, Sherston PEA\_14-04-23 (draft issue)

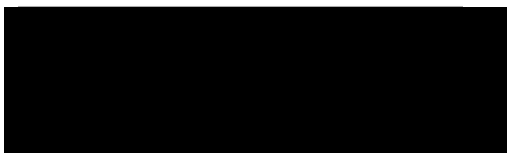
REASON: For the avoidance of doubt and in the interests of proper planning.

It is understood that the enclosed submission will create a new permission and in that regard condition No 4 will need to be reimposed for separate discharge. For the avoidance of doubt the site's landscaping details are unchanged by the revisions

referenced above and consequently condition No 3's wording does not need to be changed and correctly still references Drawing No LPC 5294 PL.01B.

I trust the above comments are sufficient to support the changes proposed however if you have any questions to ensure your approval, please do not hesitate to contact me direct.

Yours faithfully



Simon Chambers  
Director

Enc.

Mr G Hughes