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Our Ref: 23118_D01_016

05 February 2026

Dear Sir/Madam

VARIATION OF CONDITION APPLICATION TO PLANNING PERMISSION: 17/05623/FUL, INWOODS, 3 BATH ROAD, FARLEIGH WICK, BA15 2PU

We enclose an application to vary Condition 2 (approved plans) associated with planning permission 17/05623/FUL for the 'removal of existing single storey extension, erection of 1 single storey and 1 one and a half storey extension and internal and external remodelling. Reinstatement of building as single dwelling from current two dwellings'.

In addition to the planning fee and this covering letter, the submission comprises:

- Application form and certificate
- CIL Form 1: CIL Additional Information
- CIL Form 9: Residential Extension Exemption Claim Form
- Drawings:
 - 23118_1001_P1_Site Location Plan
 - 23118-8000-A-Proposed Roof Plan
 - 23118-8001-A-Proposed Ground Floor Plan
 - 23118-8002-A-Proposed First Floor Plan
 - 23118-8003-A-Proposed Elevations

Background

Planning permission was sought for the removal of existing single storey extension, erection of 1 single storey and 1 one and a half storey extension and internal and external remodelling. Reinstatement of building as single dwelling from current two dwellings (application reference 17/05623/FUL).

The case officer's report from the application highlights that the main planning considerations, at the point of consideration for this proposal, were: impact on the openness of the green belt, visual impact and impact on neighbour amenity.

The visual impact was seen as acceptable, with the design, scale, and mass appropriate to the dwelling, acting as a subservient addition. In terms of development within the designated Green Belt, the report noted that the original dwelling (as defined as the dwelling present on the 1 July 1948), was considered to have a volume of approximately 3220m³ and the extensions under application ref: 17/05623/FUL, were seen as appropriate based on the property being one single dwelling. This triggered a pre-commencement condition

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attached to the approval which stated that no development shall commence until the property is reinstated as a single dwelling. This has been implemented, with the building now comprising a single dwellinghouse.

Application Reference PL/2025/02490 has subsequently confirmed that a lawful material start has been made pursuant to application 17/05623/FUL, meaning the building out of the proposed garage is lawful.

Indeed, the garage has already been factored into subsequent assessments for additions on the site, namely planning permissions 19/05498/FUL and PL/2023/11103.

Proposed Variations

This application solely relates to the design to the approved extension.

Our client wishes to construct the garage consented under 17/05623/FUL, albeit a different position to that indicated in the approved plans. This is c.8m westward, maintaining the same 3m offset from the front elevation of the main house.

Please see below table for revised list of drawings which this S73 application seeks to change in the approved drawings list in Condition 2 of Planning Permission reference 17/05623/FUL.

<u>Approved</u>	<u>Revised under this S73 application</u>
3954/01, Site Location Plan	23118_1001_P1_Site Location Plan This drawing is submitted to satisfy the validation requirements. A location plan is supplied for this in order to adhere to OS licensing requirements, however, there is no change on the red and blue line between this submitted location plan and the one as part of the extant planning permission.
3954/3, Existing Ground Floor Plan	Unchanged
3954/4, Existing First Floor Plan	Unchanged
3954/5, Existing Elevations	Unchanged
3954/6, Proposed Ground Floor Plan	23118-8001-A-Proposed Ground Floor Plan
3954/7, Proposed First Floor Plan	23118-8002-A-Proposed First Floor Plan
3954/2 Roof Block Plan	23118-8000-A-Proposed Roof Plan
3954/8, Proposed Elevations	23118-8003-A-Proposed Elevations

Principle of a Section 73 Variation

There is no definition within the Town and Country Planning Act 1990 of what is deemed to be “a fundamental variation” to the Planning Permission, as indicated in the recent *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor* [2023] EWHC 142 (KB). This Case Law acknowledges that a ‘S.73 applies to any application for planning permission for development of land “without complying

with conditions subject to which a previous planning permission was granted” and thus ‘limits the local planning authority’s consideration to the “question of conditions subject to which planning permission should be granted’ and that ‘there is nothing in the language used that restricts an application to vary or remove a condition to “minor material amendments”, or to what a decision-maker considers to be a “non-fundamental variation’. This point concludes by noting that ‘provided the application is limited to non-compliance with a condition (rather than any other part of the permission) it falls within the stated scope of S.73 of the TCPA 1990’. This case shows that the determination decision for a variation sought through a S.73 is not dependent on the individual decision-maker’s perception of what they consider to be ‘fundamental’.

As such, the proposed variations are entirely within the scope of S.73 of the Act. The High Court judgement referred to above confirmed that S.73 does not limit the extent of variation of a planning condition though changes to attached conditions, provided the variations do not impinge on the operative description of development.

The proposed changes to the conditions attached to planning application 19/05498/FUL do not alter the operative description of the approved development and therefore, the changes sought should be permissible through a S.73 application, if the proposals are seen to satisfy the officer’s other material planning considerations.

As it has been established that the proposed changes fall within the scope of a S.73 variation, we will now discuss the planning policy provisions relevant to these proposed variations.

Planning Policy Provisions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations comprise the National Planning Policy Framework (NPPF), updated February 2025.

Local Policy- Development Plan

The Development Plan for the site currently comprises Wiltshire Core Strategy, adopted January 2015. Other material considerations comprise the National Planning Policy Framework and Supplementary Planning Guidance.

Planning Policies form part of the Local Plan, putting in place a strategic planning framework to be used in the determination of planning applications.

Policies within the Local Development Plan identified to be relevant to these proposals are as follows:

CP51: Landscape, sets the requirement for development to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, with proposals using sensitive design and landscape measures where appropriate.

CP57: Ensuring High Quality Design and Place Shaping, requires a high standard of design for all new development, including extensions and alterations to existing buildings. This requires development to enhance local distinctiveness by responding to the natural and historic environment, retain and enhance existing landscaping and natural features and respond positively to existing building layouts/built form/height/mass/scale/building line/plot size/elevational design/materials/streetscape and rooflines. Development should also be sympathetic to historic buildings/historic landscapes, maximise sustainable construction techniques, make efficient use of land, have regard to levels of amenity and have high standards in the use of building materials, finishes and landscaping.

CP58: Ensuring the Conservation of the Historic Environment, sets the requirement to conserve and where possible enhance non-designated heritage assets which contribute to a sense of local character and identity.

Other Material Considerations: National Planning Policy Framework

The current iteration of the National Planning Policy Framework (NPPF) was updated in February 2025 and sets out the Government's most up to date vision for future growth. It is a material consideration when determining planning applications.

Paragraph 142 attaches great importance to Green Belts and protection of their characteristics such as their openness and permanence.

Paragraph 143 sets out the 5 purposes of the Green Belt, to check unrestricted sprawl of large built-up areas, prevent neighbouring towns merging into one another, assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns and assist in urban regeneration.

Paragraph 153 notes that inappropriate development is harmful to the Green Belt and will not be permitted, whilst paragraph 154 requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

Paragraph 154 requires local planning authorities to regard the construction of new buildings as inappropriate in the Green Belt, subject to a number of exceptions. Exception 154c) allows for the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building.

Paragraph 216 sets the requirement for a balanced judgement to evaluate the scale of any harm or loss and the significance of the heritage asset when weighing applications that directly or indirectly effect non-designated heritage assets.

The Government published its draft revised NPPF in December 2025 alongside a consultation on the proposed draft.

Key Planning Issues and Assessment

Having regard to the provisions of the Development Plan and material considerations it is considered that the key issues are Green Belt (including the principle of development and any impact on openness), the impact on the Special Landscape Area, and Design (visual impact and impact on the non-designated heritage asset).

Principle of Development in the Green Belt

The main consideration is understood to be any impact on the designated Green Belt.

The proposals fall under the scope of exception 149c of the NPPF, which allows for the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building.

The NPPF defines the 'original building' as *"a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built."*

The case officer's report for the extant permission ref: 17/05623/FUL notes how the original dwelling is considered to have a volume of approximately 3220m³, with the west wing (formerly known as 'West Inwoods') understood to have been added in 1947, prior to the 1 July 1948 date stipulated within the NPPF's definition of original building and therefore is included in the assessment of the original building.

The impact of the proposed extensions in Green Belt terms was fully appraised as part of the determination of the extant planning permission reference 17/05623/FUL. These proposed alterations seek only an adjustment in siting, with no change in volume. The submitted drawings show the proposed change in respect of the garage, moving further west than currently consented by c.8m.

Such a change to the permitted extensions should not result in the extensions/additions being viewed as a disproportionate addition in the Green Belt, or adversely affect or compromise the key principles of the Green Belt such as its openness or permanence, as embedded in National Policy.

Visual impact and impact on the Special Landscape Area

The site is situated within a designated Special Landscape Area. As such the proposals must not conflict with the landscape character and context principles as set out in the relevant Landscape Character Assessment for the area. The extant planning permission noted that the proposed garage was designed sympathetically to the host property, serving as an acceptable subservient addition. This remains unchanged with the minor changes proposed under this variation application.

This application seeks only a relocation of the Garage and connecting canopy. The building would be located c.8m westward of the original position, maintaining the same distance off-set from the front face of the main-house (3m), and aligned with its western elevation. This area is currently garden, but free from any notable structures. The approved landscaping layout would be adjusted / extended to suit.

The relocation is proposed in order to remove the Garage building away from the principal elevation of the main-house. The approved location would have been more visible on approach to the main-house and obscured the face of its western wing. Therefore, the proposed location is judged to provide a betterment in terms of the impact on the non-designated heritage asset.

Impact on the non-designated Heritage Asset

The existing dwelling is considered to be a non-designated heritage asset due to it maintaining some architectural and historic merit. As such, it is a material consideration in accordance with Paragraph 216 of the NPPF to assess the impact of the proposed variations on the non-designated heritage asset.

With due regard to the extent of the proposed changes to the approved plans subject to the extant planning consent, this seeks only to alter the location of the approved garage. As noted above the proposed location is judged to provide a betterment and is not considered to harm the significance of the non-designated heritage asset.

Impact on Neighbouring Amenity

Owing to the distance between the application site and nearest neighbouring properties the proposed changes to the previously approved plans will not have an adverse impact on the amenity of these properties, due to its location and design.

Conclusion

Overall, the proposed amendments set out to improve the quality and amenity of the development without negatively impacting on the existing neighbours, visual amenity or character and appearance of the area and we request approval as minor material amendments to the approved scheme.

I trust all is in order and would be grateful if you could acknowledge receipt of this submission. If you have any queries or require any further information, please do not hesitate to contact me.

Yours Sincerely,

Alison Lugsden BA(HONS) MTP MRTPI

Associate Planner

Enc.

c.c. Client