

16th February 2026

Our Ref: SWLC.LPC5510

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

Dear Sir/Madam

Town and Country Planning Act 1990
The Stoneyard, Potley Lane, Corsham, SN13 9RX

As your planning records will show, by application PL/2023/01953 permission was granted, pursuant to Section 73 at the above site to vary condition No 2 of N92/00419/FUL ('Erection of replacement office gallery and drawing office') to allow the building to be used for mixed E(g) and B8 Use.

A similar permission was approved regarding application N/92/00420/F (LPA Ref: PL/2023/01955) on the same site, and that building has now been completed. My client is therefore aiming to complete the remaining building approved by application N/92/00419/FUL. In that regard though he wishes to modify the design and finishes. It is the purpose of the enclosed application therefore to vary condition No 2 imposed on application PL/2023/01953, which details the plans further to which the approved works should accord.

The conditional wording in question is inserted below and for ease of reference I have highlighted in bold those plans to be replaced, with the particulars therein to be replaced, shown in red.

Condition No 2

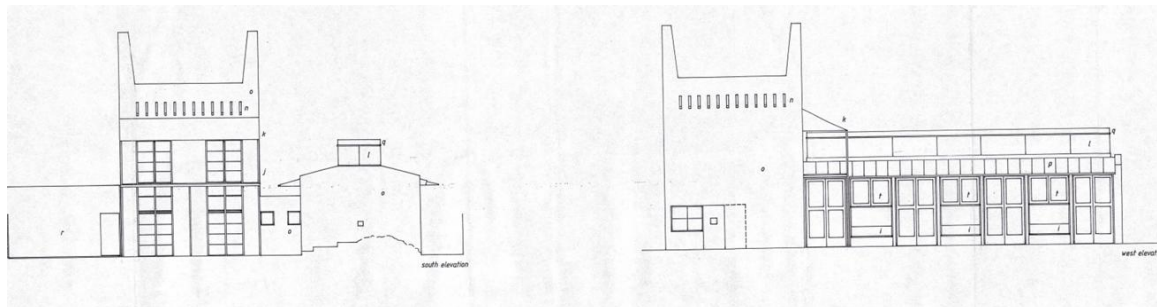
The development hereby permitted shall be carried out in accordance with the following approved plans:

- *Location plan and site plan ref. 91-3-1-A.*
- ***Floorplans and south and west elevations ref. 91-3-2.***
- ***Elevations and sections ref. 91-3-3.***
- ***LPC 5510 PR 03 Proposed Elevations***
- ***LPC 5510 PR 04 Proposed Plans***
- *Site plan ref. LPC-5510-EX-02, only inasmuch where it shows tracking and parking spaces.*
- *Landscaping plan ref. 91-3-11, as approved under discharge of conditions application ref. N/97/00553/DOC.*

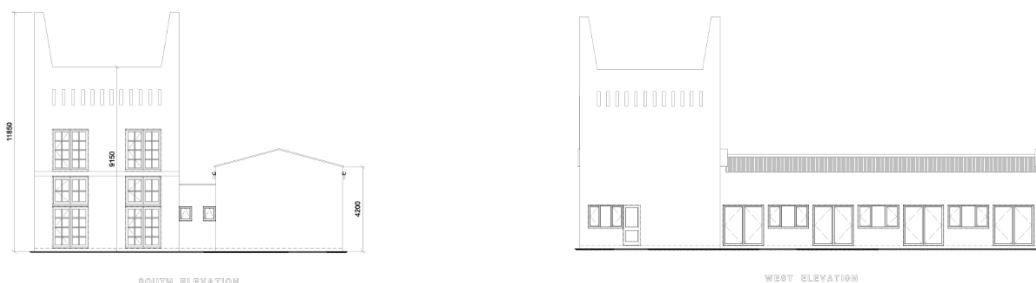
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REASON: for the avoidance of doubt and in the interests of proper planning.

The changes made by the new plans to be substituted as part of this application seek to reuse the glazed ridge detail, simplifying the built form and fenestration overall, and of course reducing the potential light/heat spillage. The approved and proposed plan extracts are inserted below for comparison.



As Approved



As Proposed

Separately, regarding the proposed finishes the approved plans (Drawing Nos 91 3 2 and 91 3 3) include the legend; 'Bathstone random coursed ashlar'. Notwithstanding the ambiguity regarding the difference between random stone and ashlar, and in light of the nature of the site and context, it is proposed to revise the finish as a Bathstone coloured stucco render (allowing a block pattern to be incised), with reconstructed dressed Bathstone quoins. The roof covering is unchanged, which for the avoidance of doubt is, 'terne plate roof covering'.

The application site is part of an established commercial yard, (including a large number of storage containers), accessed past other utilitarian industrial premises and is not designated as a sensitive landscape or heritage environment. The revised finish is therefore commensurate with the site's ongoing commercial use and the built hierarchy, as well and directly adjacent material palette. Moreover, since the original grant of planning permission in 1992 the supply of building quality Bathstone ashlar has become increasingly constrained and as a finite resource it is believed to be preferable that it is limited for use on more prestigious and heritage projects.

Overall, it is strongly maintained that the modest changes proposed do not undermine the area's 'proper planning', being the basis given for the imposition of condition No 2 in the first place.

As you will be aware Section 73 to the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant planning permission, and under this section a Local Planning Authority

may amend or remove conditions. Additionally, of course it is understood that a successful Section 73 application results in the grant of a new planning permission, without deleting the original permission, which is therefore a material consideration.

Additionally, you will be aware that the Courts have held that when determining a Section 73 application the amendments permitted should not amount to a 'fundamental alteration' of the proposal put forward in the original application. The case of *R (Vue Entertainment Limited) v City of York Council [2017] EWHC 588 (Admin)* gave clear support for use of Section 73 in respect of changes to a condition that went beyond 'minor' amendments though.

In conclusion, the changes proposed do not fundamentally change the application development and amount to alterations that, had they formed part of the original submission there is no evidence to suggest they would not have been accepted at that time. There has been no material change in circumstances either that indicate the application plan details were so prescriptive that minor changes could not be countenanced, reflecting as they do in this case the prevailing built context and reasonable design standards expected for commercial buildings in this area.

I trust you have sufficient information to promptly confirm the acceptability of the changes proposed, however, if you have any questions to ensure your support, please do not hesitate to contact me direct.

Yours faithfully



Simon Chambers
Director

Enc.

Cc Mr B Baldwin