

Our ref: DS/LeeS73

3rd February 2026

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Dear Sir/Madam,

Town and Country Planning Act 1990

Change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and commercial barn at Charlie's Place, land off Sodom Lane, Grittenham, Royal Wootton Bassett SN15 4JY (Revised Proposal).

Application Ref. PL/2023/00900.

Appeal Ref. APP/Y3940/W/25/3360013.

Introduction

1. Following the recent appeal decision (PINS ref. APP/Y3940/W/25/3360013), we are instructed by the owner of the above property, Mr John Lee, to prepare and submit this Section 73A planning application to address conditions 3, 4, 5 & 6 that were attached to the decision when the appeal was allowed. Please find enclosed in support of this application:
 - The completed planning application forms and certificates;
 - this Covering Letter;
 - Drainage Strategy by SDS Consulting;
 - Hedgerow Details;
 - Arboricultural Method Statement by WH Landscapes;
 - Landscape and Ecological Management Plan by WH Landscapes; and,
 - The appropriate application fee of £586.

Background

2. A planning application (ref. PL/2023/00900) for the Change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn was refused on 16th August 2024. Subsequently, an appeal was submitted on 3rd February 2025. The appeal was allowed subject to conditions (and partial costs awarded) on 2nd June 2025. The conditions attached to the appeal decision are as follows:

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1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawing nos: JL-JH-01 Rev B – Location Plan; JL-JH-02 Rev D - Site Plan; JL-JH-03 - Proposed day room - floorplan & elevations; JL-JH-04 Proposed barn - floorplan & elevations; JL-JH-05 Proposed access details.

3) Prior to any above ground building works, and before any caravans are placed on the site, a scheme for the discharge of surface water from the site, incorporating sustainable drainage principles, shall be submitted to, and approved in writing by the local planning authority. The details shall demonstrate that the proposed vehicular access over the ditch shall be constructed such that surface water drainage shall not discharge onto the highway. No caravan shall be occupied until the scheme has been fully implemented in accordance with the approved details. The approved drainage scheme shall be permanently retained thereafter.

4) Prior to any above ground building works, and before any caravans are placed on the site, a scheme for the stopping up of the existing field access, to the north of the proposed access, shall be submitted to and approved in writing by the local planning authority. The stopping up shall take place in accordance with the approved details within one month of the first occupation of the development, and thereafter the sole means of vehicular and pedestrian access to the development shall be as shown on the approved plans.

5) Prior to any above ground building works, and before any caravans are placed on the site, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- location and current canopy spread of all existing trees and hedgerows on the land, full details of any to be retained, and measures for their protection in the course of development;***
- a detailed planting specification showing all plant species, planting sizes and planting densities;***
- all hard and soft surfacing materials;***
- the location and specification of the fence to delineate the 20 metre no build zone around the badger setts;***
- details and location of bat roosts and bird boxes;***
- description of existing and proposed ecological features to be managed;***
- an implementation programme.***

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

6) None of the caravans or day rooms hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

7) The development hereby permitted shall be carried out in full accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal, Land at Manor Farm, by Wessex Ecology and dated October 2022. None of the

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caravans or day rooms shall be occupied until the mitigation measures have been completed in accordance with the recommendations, and they shall thereafter be permanently retained.

8) None of the caravans or day rooms hereby permitted shall be occupied until the access, passing bay and parking areas have been completed in accordance with the details shown on the approved plans. These facilities shall be permanently retained thereafter.

9) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of the Planning policy for traveller sites, December 2024 (or its equivalent in replacement national policy).

10) No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than 4 shall be static caravans, shall be stationed on the site at any time. The caravans shall be sited in accordance with the approved drawing numbered JL-JH-02 Rev D - Site Plan. No caravans shall be stationed or stored within the barn.

11) No commercial activities shall take place on the site, including the storage of materials, except within the approved barn, which shall be used only for storage in connection with the maintenance of agricultural land and in connection with any landscaping business operated by the occupants of the site and for no other purpose.

12) No external lighting shall be installed on the site other than in accordance with details that have first been submitted to, and approved in writing by, the local planning authority.

13) There shall be no raising of existing ground levels on the site.

3. The following conditions must be discharged prior to the development commencing; 3) surface water drainage details, 4) scheme for stopping up existing access, 5) hard and soft landscaping details, 6) details for the disposal of sewage.
4. The LPA have pointed out that condition 5 is poorly worded and unenforceable. After discussions with the LPA, it is agreed that the appellant shall submit a Section 73 application, with the details required to effectively discharge conditions 3, 4, 5 & 6. This will allow the Council to grant a new planning permission, with an updated list of conditions; condition 2 (plans list) updated, conditions 3, 4, 5 & 6 turn into compliance conditions and the remaining conditions 1, 7 - 13 to remain the same.
5. Councillor Threllfall is aware of the position and has said she would be "pragmatic" in her approach, bearing in mind the circumstances.
6. There are no other changes proposed. There have been no material change in circumstances since the appeal was allowed. In our view, there would be no reasonable grounds to refuse this S73 application. And even if this S73 application were to be refused, the existing appeal decision still stands.

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Conditions to Discharge

7. Each condition to be discharged is listed below with the appropriate details:
8. Condition 3 - Surface water drainage details. A Drainage Strategy by SDS Consulting (submitted herewith) provides a scheme for surface water drainage, incorporating sustainable drainage principles. The details demonstrate that surface water will not be discharged onto the highway.
9. Condition 4 - Scheme for stopping up existing access. Hedgerow planting details have been submitted herewith. The two dominant proposed species match those of the existing hedgerow. Three additional species are also proposed to enhance biodiversity.
10. Condition 5 - Hard and soft landscaping details. An Arboricultural Method Statement (AMS) by WH Landscapes (submitted herewith). The chronological order of the phases of operation will be carried out as detailed in the statement. A Landscape and Ecological Management Plan (LEMP) (submitted herewith) has been prepared by WH Landscapes and Wessex Ecology. This details the existing and proposed landscaping and the creation of new habitats. Both the AMS and the LEMP address the points set out in condition 5.
11. Condition 6 - The details for foul drainage is set out in the Drainage Strategy (attached herewith). A sewage treatment plant will be installed for the collection and treatment of foul drainage.

Conclusion

12. The relevant information has been supplied, as listed above, in order to address conditions 3, 4, 5 and 6. There has been no material change in circumstances since the appeal was allowed. It has been agreed with officers that this is the most expedient approach to ensuring that the landscape condition (5) is enforceable. As officers will know, the grant of a S73 application is effectively a whole new, standalone planning permission, and this is it is good practice to re-state all of the conditions attached to the previous planning permission as allowed on appeal. There has been no material change in circumstances since June 2025 which would justify not approving this S73 application. And even if the application were to be refused, the applicant can still rely on the previous appeal decision. We would also respectfully point out that even though the Inspectorate have conceded the Councils point that the landscape condition is defective, it is too late for the Council to challenge the appeal decision in the High Court.

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13. We trust that you have all the necessary information that you require to validate and determine this S73 application. If the officer requires any information or clarification on any element of the proposal we invite a discussion during the determination process.

Yours faithfully,



Debbie Silver