

04 March 2026

Our Ref: LPC.6223

Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Sir / Madam,

Section 73 (of the Town and Country Planning Act 1990) Application:
Variation of Planning Permission PL/2023/07058 (Erection of single dwelling
and associated works to existing access and landscaping)
in order to amend the wording of conditions 2, 5 & 6
Land at Clackersbrook Farm, Bromham, Wiltshire

I am instructed by Mr Gregory Wilkinson to submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) in order to amend the wording of Conditions 2, 5 and 6 of Planning Permission PL/2023/07058.

Site Description & Planning History

The application site relates to an area of land to the south-west of Bromham. The site accommodates an agricultural building which is accessed via a track leading from Church Hill as shown on the aerial photograph below.



Planning permission, reference PL/2023/07058, was granted on the 26 February 2024 to redevelop the site by demolishing the existing agricultural building and the erection of a dwelling on its footprint. The permitted scheme also included works to

improve the access track and new landscaping. The site area, as identified in red, is shown on the approved Location Plan, which can be seen below:



The planning permission is subject to twelve conditions which are made up of pre-commencement and compliance conditions:

1. **Compliance Condition:** requiring the commencement of development prior to 26 February 2027.
2. **Compliance Condition:** requiring the development to be in accordance with approved drawings and documents as listed.
3. **Compliance Condition:** requiring the development to be in accordance with the approved ecological appraisal and landscape implementation and maintenance plan.
4. **Compliance Condition:** requiring replacement bat roost features/opportunities to be installed as approved but inspected and approved by the LPA post installation.
5. **Pre-commencement Condition:** requiring a scheme for the discharge of surface water to be agreed with the LPA.
6. **Pre-commencement Condition:** requiring a scheme for the disposal of sewerage to be agreed with the LPA.
7. **Compliance Condition:** requiring the external materials to be installed as approved.
8. **Compliance Condition:** requiring the new dwelling to achieve 'Passivhaus' standards, and later confirmed via a certificate and approved by the LPA.
9. **Compliance Condition:** requiring details of any proposed external lighting to be submitted and approved by the LPA prior to installation.

10. **Compliance Condition:** requiring details of the proposed entrance gates to be submitted and approved by the LPA prior to their installation.
11. **Compliance Condition:** removing various permitted development rights which sets a requirement for future applications for planning permission for various works.
12. **Compliance Condition:** requiring the implementation of the approved landscape scheme in the first planting and seeding season following the first occupation of the dwelling.

Proposed Variation of Conditions

Section 73 of the Town and Country Planning Act 1990 (as amended) allows an application to be made to vary or remove conditions associated with a planning permission.

The Government's Planning Practice Guidance (PPG) explains that there is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission. A Section 73 application cannot however be used to change the description of the approved development or extend the time limit within which a development must be started.

This current Section 73 application does not seek to amend the development permitted but simply alter the wording of pre-commencement conditions 5 and 6 in order to allow commencement of the development prior to the submission and approval of the surface water and foul waste disposal schemes for the approved dwelling.

The conditions are currently as follows:

5 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

6 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

The application proposes the re-wording of the conditions as follows:

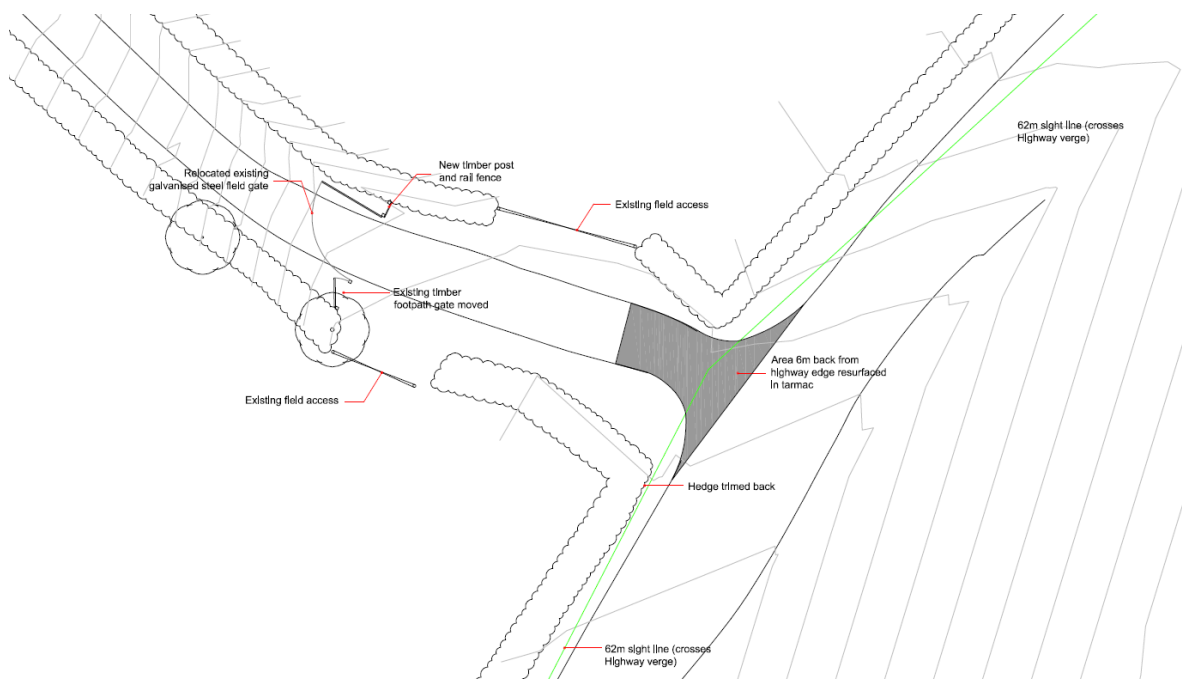
5 No above ground development, excluding demolition and the approved access works, shall commence be carried out on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

6 No above ground development, excluding demolition and the approved access works, shall commence be carried out on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

The intention of the applicant is to implement the planning permission by carrying out the access improvement works. These works are shown on the approved Site and Site Entrance Plan (Drawing reference SITE_1845-1-PLAN.dwg). The relevant extract is shown below:



The purpose of first carrying out the approved access work is to ensure the improved access is in place prior to the demolition and construction phase of the development.

The access works will be carried out as approved, however this Section 73 application is supported by the construction details discussed with the Highway Authority (as part of the Section 184 Vehicle Crossing Licence application) and drainage scheme for the access works which is a requirement of condition 5 as currently drafted. The application therefore seeks approval to vary Condition 2 in order to insert the drawings which contain further construction details alongside the approved 'Site and Site Entrance Plan' as follows:

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

- *Location Plan, Dwg No. LOCATION_1845-1-PLAN.dwg*
- *Proposed Floor and Site Plans, Dwg No. PL_1845-1-PLAN.dwg*
- *Proposed Elevations, Dwg No. P2-revA_1845-1-PLAN.dwg*
- *Site and Site Entrance Plan, Dwg No. SITE_1845-1-PLAN.dwg*
- ***S188 Plan, Dwg No. 9836-102***
- ***Construction Details, Dwg No. 9836-103***
- *Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan, June 2023, WHLandscape*
- *Solar Panel Details and Solar Panel Guide*
- *Design Statement, PKA Architects, June 2023*

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

Planning Conditions: The 6 Tests

The National Planning Policy Framework (NPPF) advises that "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²⁴" (Paragraph 54) (Footnote 24 states that Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply).

It is unclear whether the original wording of the pre-commencement conditions was agreed, however the need for Conditions 5 and 6 is understood and accepted. It is not however considered necessary or reasonable to secure the surface water and foul waste schemes prior to the commencement of the development. They are matters that do not go to the heart of the permission and can be agreed with the Local Planning Authority at a later date following the technical design stage of the approved dwelling. Ultimately the trigger for the implementation of the approved schemes will be unaltered ensuring that an appropriate scheme for the disposal of surface water and foul waste is in place prior to the occupation of the dwelling.

Planning Policy

The section 73 application is solely focused on updating the wording of conditions to enable a variation to the timeframe for the submission and approval of the surface water drainage and foul waste disposal scheme. The principle of development cannot be re-considered and there are no material planning policy updates that impact this current application. The most notable change is the introduction of Biodiversity Net Gain, however, as confirmed by the PPG, it does not apply to “section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024” (Paragraph: 003 Reference ID: 74-003-20240214).

Conclusion

The Section 73 application seeks permission to vary the terms of Planning Permission PL/2023/07058 which allows the ‘erection of a single dwelling and associated works to existing access and landscaping’ on land at Clackersbrook Farm, Bromham, Wiltshire.

The application seeks to vary the wording of the pre-commencement conditions (Conditions 5 and 6) to enable the surface water drainage and foul waste disposal schemes for the dwelling to be submitted and approved by the Local Planning Authority prior to above ground development taking place.

It is not necessary for the surface water and foul waste conditions to have a pre-commencement trigger and allowing the submission and approval of the schemes at a later date following the detailed technical design stage will first allow the enabling and access improvement works to be carried out.

Should you require any further information to help positively determine the application please do not hesitate to contact me.

Yours faithfully,



Morgan Jones
Associate Director

cc: Mr G Wilkinson