



The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2025/09261
Decision Date: 08/05/2026

Applicant:	Mr G Hughes 10 Trull Farm Buildings, Trull, Tetbury, Glos, GL8 8SQ
Particulars of Development:	Variation of conditions 2, 4 and 5 of PL/2023/07329
At:	The Elms, Green Lane, Sherston, Malmesbury, SN16 0NP

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to compliance with the following conditions:

- 1 The development hereby permitted shall be begun before 05 March 2027

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 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 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. LPC 5294 PL 12 A: Units 1- 3 Visibility Splays

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

- 3** The development will be carried out in strict accordance with the following document approved under PL/2023/08493:

Ecological Assessment Report. September 2023. Pure Ecology

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 4** a) All approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner

b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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, unless otherwise agreed in writing by the local planning authority.

c) All approved hard landscaping shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5** The development shall not be first brought into use until surface water drainage has been constructed in accordance with the scheme approved under PL/2025/07329.

REASON: To ensure that the development can be adequately drained without leading to increased flood risks elsewhere.

- 6** The lighting approved under PL/2025/07329 shall be installed and maintained in accordance with the approved details, and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, and to minimise unnecessary light spillage above and outside the development site in the interests of ecology and the rural character of Upavon village.

- 7** No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always

be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

- 8** The development hereby permitted shall not be first occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

- 9** Within 3 months of the demolition of the buildings, all materials resulting therefrom shall be removed from the site.

REASON: In the interests of the character and appearance of the Conservation Area and the general amenities of the local environment.

- 10** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H or Part 2, Class A shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area which is within the Conservation Area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 11** No dwelling shall be occupied until the 1.8m high boundary fence have been completed in accordance with the approved details.

REASON: To ensure the timely delivery of the boundary treatments in the interests of the amenities of the adjoining properties.

- 12** Replacement bat roosts will be incorporated into the development in accordance with: Ecological Assessment Report. September 2023. Pure Ecology. The installation of these bat roosts will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

- 13** Biodiversity enhancement measures will be incorporated into the development in accordance with Appendix 4 Ecological Mitigation, Enhancement and Protection Plan, as outlined within the Ecology Report Ecological Assessment Report. September 2023. Pure Ecology. The approved details shall be implemented before occupation of the final works.

REASON: To provide mitigation/enhancement for biodiversity.

Informative

- 1**
- Bat roosts have been confirmed on and near the site. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.
 - All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.
 - The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
 - The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

- The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Nic Thomas - Director of Planning, Economy and Regeneration

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk