

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01632
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Stop Farm, Fonthill Gifford, Salisbury, SP3 6QJ
DEVELOPMENT DESCRIPTION:	Vary Condition 2 on PL/2025/09346 and PL/2025/09411 - Single storey extension to the rear of Stop Farmhouse.
RECOMMENDATION:	That Planning Permission be GRANTED subject to conditions

SITE DESCRIPTION/CONTEXT

This application relates to Stop Farm, situated in the open countryside/ within the small village of Fonthill Gifford, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and CP27 (Spatial Strategy for the Tisbury Community Area).



Stop Farmhouse is a large, detached and extended, Grade II listed dwelling. The listing is as follows:

FONTHILL GIFFORD FONTHILL GIFFORD VILLAGE ST 93 SW (east side)

1/93 Stop Farmhouse

GV II

Farmhouse. Late C17, altered C18 and C19. Rubble stone, hipped thatched roof, brick stacks. L-plan. Two-storey, 5-window; casements. Central 4-panelled door with porch on posts, 2-light casement, blocked doorway, square-headed single casement to left, C20 lean-to extension to right. First floor has single blocked segmental-headed casement and 2-light casement to C17 range, three 2-light casements to right. Left return has 3-light ovolo-moulded mullioned casement to ground and first floor, coped verge to left. Rear has single-storey C18 thatched extension, casements and C20 single-storey extension. Interior has chamfered beams with stepped stops, open fireplace with chamfered timber lintel on stone jambs, planked and 4-panelled doors.

Listing NGR: ST9249932018

The curtilage also contains Grade II listed 'Granary at Stop Farm' and 'Barn at Stop Farm'. Grade II listed buildings '33 and 34' lie 60m to the west of the application site. The site is within Grade II* Fonthill Park and Garden

The application site is subject to the following planning policy constraints:

- Cranbourne Chase and West Wiltshire Downs National Landscape
- Salisbury Plain and West Wiltshire Downs Countryside Character Areas
- Chilmark Quarries, Barbastelle Special Area of Conservation
- River Avon Special Area of Conservation (SAC) Hampshire Catchment
- Flood Zone 1

PROPOSAL

This report considers a Section 73 application for the variation/removal of condition(s) imposed on planning permission PL/2025/09346. The application relates to the site at Stop Farm, Fonthill Gifford, Salisbury, SP3 6QJ and seeks to vary/remove condition 2 (approved plans) in relation to changing the roof of the proposed extension from glazed to slate and reducing the length of the extension from 5.7m to 4m.

The application involves works to a listed building. A separate application has been made for Listed Building Consent (ref: PL/2026/01830) as it is not possible to vary the conditions on a Listed Building Consent and so the changes to the original consent (Ref: PL/2025/09411) will be considered separately.

Condition 2:

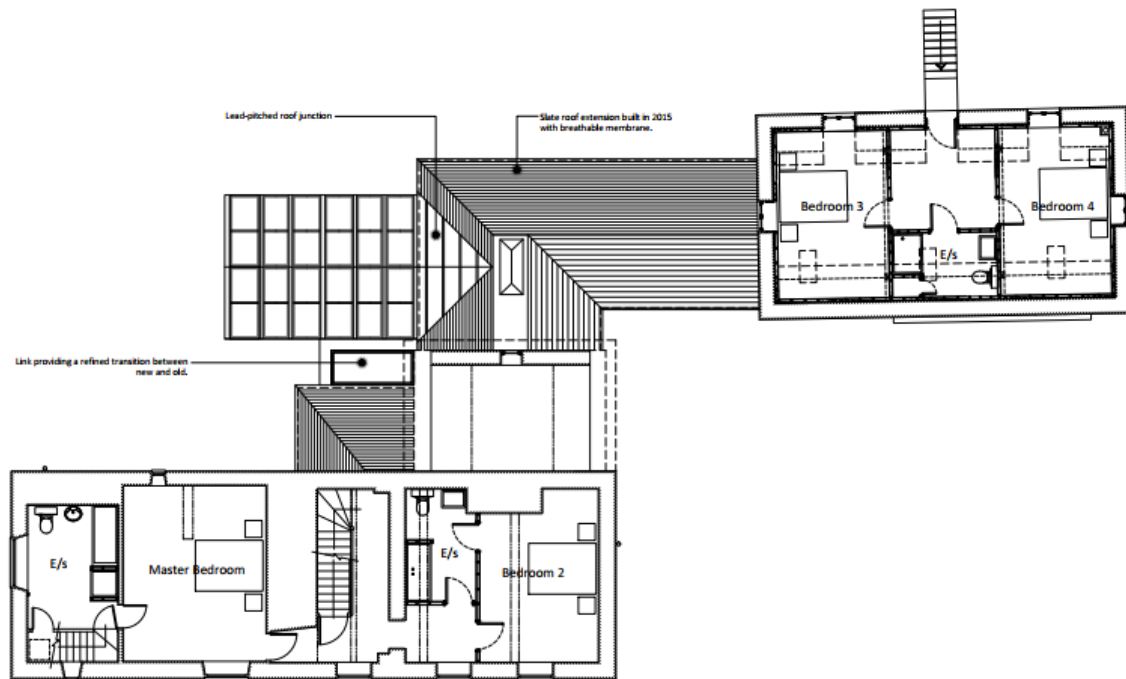
The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

DWG No:10436 P-01 Site & Location Plans

DWG No:10436 P-03 Proposed Floor Plans & Elevations

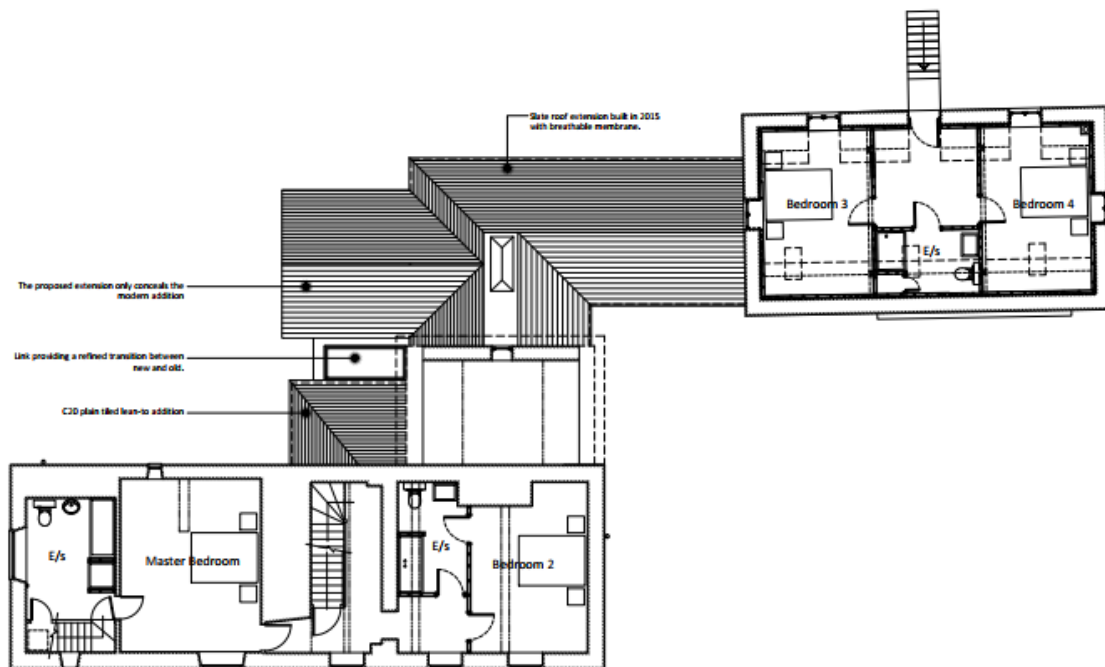
REASON: For the avoidance of doubt and in the interests of proper planning.

Proposed roof plan PL/2025/09346



First Floor Plan

Proposed roof plan PL/2026/01632



First Floor Plan

RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2025/09346 - Householder planning permission Decision - Approve with Conditions Date: 29/1/2026 – Single storey extension to the rear of Stop Farmhouse
PL/2025/09411 - Listed building consent (Alt/Ext) Decision - Approve with Conditions Date: 29/1/2026 – Single storey extension to the rear of Stop Farmhouse
20/08285/FUL & 20/08706/LBC Conversion of ancillary barn to form home office. Approved with conditions 15/02/2021
14/02945/FUL & 14/02664/LBC Rebuilding and increasing in height of existing roadside walling. Approved with conditions 30/04/2014
S/2012/1781 Conversion of barn to residential and erection of linkway to join barn to existing dwelling and associated alterations. Approved with conditions 08/02/2013

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Town and Country Planning Act. 1990 (as amended)

Section 73 of the Town and Country Planning Act. 1990 (as amended) relates to the determination of applications to develop land without compliance with conditions previously attached. It states that:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The National Planning Practice Guidance (PPG) states the following:

- *Nature of the Application:* A Section 73 application is treated as a new planning permission, although it does not alter the original permission itself. The original permission remains intact and can still be implemented unless it has expired or been superseded.
- *Limitations:*
 - Section 73 cannot be used to change the description of development or the operative part of the permission (e.g. the nature or extent of the approved use).
 - It cannot be used to extend the time limit for implementing the original permission.

- If the proposed changes go beyond what can reasonably be considered under Section 73, a new planning application under Section 70 would be required.
- *Decision-making:* The local planning authority must consider the application only in relation to the conditions subject to which the original permission was granted. However, it may impose new or revised conditions if granting a new permission.
- *Legal Agreements:* Because a Section 73 application results in a new permission, any existing Section 106 agreement may need to be varied or replaced via a deed of variation to ensure obligations continue to apply to the new permission.

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted Wiltshire Core Strategy (WCS), with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 27 Spatial Strategy for the Tisbury Community Area
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 69 Protection of the River Avon SAC

Planning (Listed Buildings and Conservation Areas) Act 1990

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

Supplementary Planning Documents:

Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

ISSUES

The key considerations in the assessment of this application are as follows:

- Determining whether the proposed amendments fall within the scope of Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to an existing planning permission.
- Assessing whether the development, as amended, remains in accordance with the relevant policies and provisions of the development plan, and whether the changes materially alter the nature or impacts of the approved scheme.
- Considering the need for a deed of variation to the original Section 106 agreement, as the grant of a new permission under Section 73 would result in a new planning permission.

CONSULTATION RESPONSES

Ecology – No objection. Please see the Ecology section of this report for full comments received.

Conservation Officer – No objection. Please see Heritage Impact sections of this report for full comments received.

Fonthill Gifford Parish Council: no comments received

REPRESENTATIONS

No comments were received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of the Development – Do the proposed amendments fall within the scope of s73?

The proposed amendments have been reviewed and are considered to fall within the scope of Section 73 of the Town and Country Planning Act 1990. The changes do not result in a fundamentally different development from that originally approved, nor do they seek to alter the description of development or extend the time limit for implementation. As such, the application is valid under Section 73 and can be determined as a variation of condition(s) attached to the original planning permission.

Compliance with the Development Plan

The proposals are to vary Condition 2 to allow for a reduction in the length of the proposed extension from 5.7m to 4m and change in roof finish from glazed timber frame to solid slate roof.

Scale and design

Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

The reduction in size of the extension is acceptable. The structure is proposed to remain as a glazed oak frame with a Chicksgrove natural stone plinth, extending south from the 2015 extension. The height and pitch of the roof of the proposed extension will continue to match the earlier extension. As with the existing permission, it is proposed to have a small element of flat-roofed glazed link between the original dwelling and the extension.

Although the dwelling has previously been extended, the proposed extension remains modest in scale, commensurate with the size of the property and application site. The proposed extension is located at the rear of the property, behind the high boundary wall and would not be visible from public vantage points. Its design, form and materials are traditional and preserve the character and appearance of the area.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.

Amenity

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties.

The National Planning Policy Framework (NPPF), particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

Stop Farm sits within a large plot, away from shared boundaries. The closest neighbours are nos 33 and 34 Stops Hill, approximately 50m to the west of the proposed extension. Due to the distance from the neighbours, topography of the site (Stop Farm is at a lower level) and mature site boundaries (including a high stone wall along the southern boundary) there are no concerns regarding loss of light, privacy or overbearing impact.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

Heritage Impact

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority [or the Secretary of State] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

Stop Farmhouse is a grade II listed building with a separately grade II listed granary and barn within the curtilage. The application was supported by a Heritage Statement prepared by Baxter Green Architects. The Council's Conservation Officer has assessed the proposal and has provided the following comments:

As you are aware, we were approached informally by the architect to ascertain our likely response to the approved glazed extension being converted to an extension with a slated roof (a garden room more than a conservatory). We explained that the transparency of the glazing (roof and sides) had been a critical factor in accepting the previous scheme as it allowed continued views through to the historic rear wall of the former farmhouse.

The current proposal (not what was discussed in the email exchange) is for a 'shorter' garden room with a slated roof. The shortening of the previously approved scheme to presumably allow views through to the rear wall. There is also the

suggested addition of a rooflight which I think detracts from the proposed roofscape by making it look cluttered. I recommend this is omitted.

Overall though, I raise no objection to the amended proposals which I consider will not harm the special interest of this listed building and are therefore in accordance with Sections 16 and 66 of the Planning LBCA Ac 1990, CP 57 and 58 and Chapter 16 of the NPPF.

Suggested condition: that the roof is natural slate.

Revised plans were received 24.04.2026 omitting all roof lights from the extension. A condition that the slate roof is a natural slate, to match the existing will be included in the decision notice. The proposal, by virtue of its scale, design, and use of materials, is considered to preserve the character and appearance of the conservation area and setting of the listed buildings. It would not result in harm to the significance of any heritage assets.

The development is therefore considered to comply with Core Policy 58 of the Wiltshire Core Strategy and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the relevant provisions of the NPPF.

National Landscape

Core Policy 51 of the Wiltshire Core Strategy requires all development to protect, conserve, and where possible enhance the character and quality of Wiltshire's landscapes, giving particular weight to designated areas such as National Landscapes.

The National Planning Policy Framework (NPPF), in Paragraph 176, states that "great weight" should be given to conserving and enhancing landscape and scenic beauty in National Landscapes (formerly Areas of Outstanding Natural Beauty). Development within or affecting the setting of a National Landscape must demonstrate that it will not result in unacceptable harm to the special qualities of that area.

The proposed extension would be modest in scale and constructed using materials that reflect the local vernacular. It is well-related to the existing building (a well-established residential property) and is not prominently visible in wider public views.

The proposal, by virtue of its scale, siting, and design, would not harm the special qualities or scenic character of the Cranborne and Chase National Landscape.

The development therefore complies with Core Policy 51 of the Wiltshire Core Strategy and Paragraph 176 of the NPPF in conserving and enhancing the National Landscape.

Ecology Impact

Core Policy 50 of the Wiltshire Core Strategy seeks to protect and enhance biodiversity and geodiversity, including through ensuring that development avoids harm to protected species and habitats.

The National Planning Policy Framework (NPPF), in Paragraphs 193, requires that development minimises impacts on and provides net gains for biodiversity, including ensuring mitigation is secured where harm cannot be avoided.

The application site is subject to ecological designations. The application is accompanied by a Preliminary Roost Appraisal undertaken by Stark Ecology Ltd. The Council's Ecologist has assessed this proposal and has provided the following comments:

This application is to vary Condition 2 of PL/2025/09346 and PL/2025/09411 (listed building consent) for a single-storey extension. Condition 2 requires compliance with the approved plans. The proposed changes to the plans appear to include a smaller slate roof in place of the previously-proposed glazed roof and therefore the impacts upon ecology are considered no different from that previously addressed.

River Avon Special Area of Conservation (SAC) Hampshire Catchment

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that since there is no proposal to create additional overnight accommodation, there would be no overall mechanism for adverse effect. The HRA has concluded that the application is not likely to have significant impacts on the SAC and subsequently the application is screened out of Appropriate Assessment.

Chilmark Quarries Special Area for Conservation (SAC)

The site lies within consultation zones for Barbastelle, Bechstein, Lesser Horseshoe and Greater Horseshoe bats, associated with the Chilmark Quarries Bats SAC. It therefore has the potential to result in significant adverse impact on the special features of the SAC.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This must consider potential significant adverse impacts on core roosts, but also sensitive features associated with the SAC, such as foraging areas.

Given the type and size of habitats to be lost (as per the site plans, it appears that approximately 30m² of existing hardstanding will be lost) as well as lack of new lighting, it is not likely that the development will significantly impact any key foraging or commuting opportunities for Annex II bats. Appropriate survey work has also demonstrated that the extensions to be impacted are unsuitable for use by roosting bats.

As such, it is concluded that given the scale and nature of the currently proposed development, there is no mechanism for significant adverse impact on the Conservation Objectives of the SAC, and the proposal can be screened out of Appropriate Assessment.

Bat surveys

The proposed works will join two existing single-storey extensions, one of which lacks a roof void. Both existing extensions were inspected for bat roosting opportunities, and it was found that the eaves were well-sealed, with no roof tiles noted to be lifted or slipped. Overall, no roosting features were noted, and the extensions are considered to have negligible bat roosting potential. No external lighting is proposed.

If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist.

Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as it is for the variation of condition for a development which is subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Habitat Regulation Assessments have concluded that the application is not likely to have significant impacts on the River Avon or Chillmark Quarries SACs. An informative related to protected species will be included with the approval.

As such, the development complies with Core Policy 50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Assessment of Conditions

Condition 1: time limit changed to reflect date of original permission.

Condition 2: changed to reflect updated plans

Condition 3: still relevant and will remain as per the original consent.

Condition 4: new condition to ensure that the new slate roof will be natural slate.

PLANNING BALANCE AND CONCLUSION

In determining this application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority has considered whether the proposed amendments fall within the scope of Section 73. The proposed amendments have been assessed against the relevant policies of the Wiltshire Core Strategy, any applicable Neighbourhood Plan, and the National Planning Policy Framework. The assessment has also considered whether the development, as amended, materially alters the nature or impacts of the approved scheme.

The proposed variation of condition is considered acceptable. The proposal remains in accordance with the development plan and relevant national guidance, and there are no material considerations that indicate otherwise.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before 29/01/2029 (3 years from original consent PL/2025/09346)

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:

DWG No:10436 P-01 Site & Location Plans

DWG No:10436 P-03 Rev B Proposed Floor Plans & Elevations **(as amended by this variation of condition application)**

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building and detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. The slate roof tiles to be used in the development hereby permitted shall be natural slate and match those of the existing building in terms of their material, colour, texture, profile and pattern of laying.

REASON: In the interests of visual amenity and the character and appearance of the area.