



RCC TOWN PLANNING CONSULTANCY

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Site: Gertasha, Seend Road, Worton, Devizes, SN10 1SQ

Proposal: Section 73 Application to vary conditions 2, 3, 4, and 5 following
grant of planning permission PL/2023/02032

On behalf of: David Cooke and Lorraine Tovey Cooke

Date of Issue: June 2026



RCC TOWN PLANNING CONSULTANCY

PLANNING STATEMENT

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1.0 INTRODUCTION

- 1.1 This Planning Statement accompanies a planning application submitted under Section 73 (S73) of the Town and Country Planning Act 1990 (as amended) on behalf of David Cooke and Lorraine Tovey Cooke to Wiltshire Council in respect of the site known as Gertasha, Seend Road, Worton, Devizes, SN10 1SQ.
- 1.2 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.

- 1.3 S73 does not allow a reconsideration of the principle of the development; consideration can only be given to the proposed amendments to the original application.
- 1.4 The National Planning Practice Guidance (NPPG) confirms that applications made under S73 can be used to secure material amendments through the variation or removal of planning conditions, provided that such changes do not alter the operative part or description of the approved development. While there is no statutory limit on the extent of changes to conditions, S73 cannot be used to extend implementation time limits or amend the description of development. A permission granted under S73 constitutes a new and independent planning permission, sitting alongside the original.
- 1.5 Full planning permission PL/2023/02032 was granted at the site on 25th August 2023 subject to 10 conditions and 3 informatives. The approved description of development is:

"Proposed passivhaus premium certified development of 2 no new homes to replace the current condemned dwelling and separate annex accommodation which also has it's own garaging and other outbuildings / cattery business currently on the site."

- 1.6 Since the grant of planning permission, the site owner has subdivided the land, retaining Barn 2 (the westernmost plot) and releasing Barn 1 (the easternmost plot) for sale.



- 1.7 The applicants for this Section 73 application have purchased part of the original planning application site in so far as it relates to Barn 1. Their intention is to create a self-build home for their personal occupation. However, they would like to create a bespoke timber framed house to meet their specific needs rather than construct the dwelling as originally approved. David is the owner of The Bespoke Oak Building Company and they are seeking to amend the approved plans for Barn 1 only to enable him to design their future home. David has designed the scheme and will oversee all aspects of the construction stage.
- 1.8 The submission of this Section 73 application is necessary to facilitate amendments to the approved scheme insofar as it relates to Barn 1, alongside the associated variation of a number of conditions attached to planning permission PL/2023/02032. The proposed design changes to Barn 1 require updates to conditions which currently control matters such as approved plans and technical details. In addition, a number of the original conditions were imposed on a whole-site basis, reflecting the single ownership of the site at the time of determination. Given the subsequent subdivision of the land and separate delivery of Barn 1 and Barn 2, it is necessary to review and, where appropriate, amend these conditions so that they can be applied independently and proportionately to each plot.
- 1.9 The application also seeks to address pre-commencement requirements, providing all necessary details upfront to allow development to proceed without unnecessary delay through a further application to discharge conditions.
- 1.10 No changes are proposed to conditions 1, 6, 7, 8, 9 and 10.
- 1.11 The following conditions are proposed to change, conditions 2, 3, 4, and 5.
- 1.12 The amended scheme will allow Barn 2 to be delivered as approved as no changes to this plot are proposed.
- 1.13 A copy of the decision notice is attached as **Appendix A**

2.0 PLANNING POLICY

- 2.1 Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 2.2 At the current time, the Development Plan comprises the Wiltshire Core Strategy (WCS) and the 'saved' policies of the Kennet District Local Plan.
- 2.3 At the national level, the National Planning Policy Framework (NPPF) is the foremost material consideration. This is supplemented with the National Planning Practice Guidance (NPPG).
- 2.4 At the local level, the pertinent material considerations are the Wiltshire Design Guide (2024) and the Wiltshire Local Transport Plan 2011-2026 (2015)
- 2.5 The relevant policies and guidance are set out in the associated tables:

WILTSHIRE CORE STRATEGY

Policy	Title
1	Settlement Strategy
2	Delivery Strategy
12	Spatial Strategy for Devizes Community Area
41	Sustainable construction and low-carbon energy
50	Biodiversity and Geodiversity
51	Landscape
57	Ensuring High Quality Design and Place Shaping
60	Sustainable Transport
61	Transport & Development
64	Demand management

NATIONAL PLANNING POLICY FRAMEWORK

Chapter	Title
2	Achieving sustainable development
4	Decision-making
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting sustainable transport

12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

3.0 SECTION 73 PROPOSALS

- 3.1 This section summarises the proposed amendments to the original planning permission sought as part of this Section 73 Application.
- 3.2 The proposed amendments relate solely to Barn 1, with Barn 2 remaining unchanged and to be constructed fully in accordance with the extant planning permission. The amendments have been developed with a number of key design objectives in mind, namely to reduce the overall visual massing of the dwelling relative to the site, improve the integration of the building within its rural setting through the refinement of materials and colours, better accommodate the applicants' functional requirements, and enhance the environmental performance of the dwelling.
- 3.3 The approved scheme adopted a barn-inspired design approach for both dwellings, characterised by simple forms, restrained fenestration and an appearance reflective of agricultural buildings commonly found within the surrounding rural landscape. The amended design for Barn 1 has been carefully developed to retain these key characteristics and ensure continuity with the approved design principles.
- 3.4 The revised design retains a simple two-storey form and barn-style aesthetic, preserving the agricultural references established within the approved scheme. The use of a timber frame construction and a high-quality traditional material palette has been maintained, with revisions to the cladding and standing seam finish introducing colours and tones intended to allow the building to sit more comfortably within the surrounding landscape and soften its visual presence.
- 3.5 The proposed amendments have also been informed by sustainability considerations and the intention to construct the dwelling in accordance with passive house principles. Measures incorporated into the design include enhanced insulation standards, glazing primarily located on south-facing elevations to maximise solar gain, a Mechanical Ventilation with Heat Recovery (MVHR) system, an air source heat pump, photovoltaic panels and battery storage. Collectively, these measures seek to create a dwelling with significantly reduced energy demands and a high degree of energy self-sufficiency.
- 3.6 In terms of scale and massing, the revised Barn 1 closely reflects the approved scheme while reducing the overall scale of development. The amended design has a Gross Internal Area (GIA) of 256 m² compared with the approved scheme at 320 m², representing a reduction of 64 m². Furthermore, whilst the ridge height remains the same as approved, the eaves height has been reduced, as has the size of the garage. The table below evidences this:

	Ridge height	Eaves Height	Dwelling GIA	Garage GIA
Approved Scheme	7850	5100	320	43
Proposed Scheme	7850	4800	256	41

- 3.7 Provision has also been made within the revised proposals for a drainage field and package treatment plant that accords with General Binding Rules requirements. The system has been designed with additional capacity beyond the minimum requirements in accordance with best practice principles and to support long-term operational resilience.
- 3.8 Overall, the proposed amendments represent a proportionate and considered evolution of the approved design that retains the established barn-style character while reducing visual massing, improving environmental performance and responding to the applicants' specific requirements.

4.0 SECTION 73 ASSESSMENT

- 4.1 Section 73 applications require the Local Planning Authority to consider only 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.
- 4.2 In this case, a S73 application is required to allow changes to the approved design of Barn 1 and to update the relevant planning conditions to reflect these revisions. It also enables the review of conditions that were originally applied to the whole site, so they can be applied appropriately to each plot following the subdivision and avoid the use of any 'pre-commencement conditions'.
- 4.3 Careful regard has been had to relevant case law, including *Finney v Welsh Ministers* and *Fiske*, which confirm that S73 cannot be used to alter the operative part of a planning permission. In this instance, the proposals do not alter the operative part of the original permission (PL/2023/02032), which remains the erection of two dwellings on the site.
- 4.4 It therefore follows that the principle of the residential development of the site (as agreed by the extant planning permission PL/2023/02032) does not fall to be reconsidered here. Consequently, this Planning Statement will not address the principle matter of residential development at the site.
- 4.5 Each of the separate conditions will be considered in turn with an explanation of the proposed amendments and suggested wording for new conditions:

Condition 2

CONDITION 2 CURRENT WORDING

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

Doc Title: Application Form.

Drg Title: Planning Submission Comparison.

Drg Title: Location Plan.

Doc Title: Update, Bat Survey Report. Produced by Start Ecology. Dated: July 2023.

Drg Title: Site Plan & Landscaping. Rev: B.

Drg Title: Topographical Survey.

Doc Title: Tree Survey & Arboricultural Impact Assessment. Produced by: Hellis Solutions Limited. Dated: August 2020.

Drg Title: Visibility Splays.

Doc Title: Wind Turbine Specifications. Produced by: Tessup.

Drg Title: Barn 2 Elevations page 2 of 2. Rev: A.

Drg Title: Barn 2 Elevations page 1 of 2. Rev: A.

Drg Title: Barns 1 & 2. First Floor Plan.

Drg Title: Barns 1 & 2 Ground Floor Plan.

Drg Title: Barn 1 Elevations page 1 of 2.

Drg Title: Barn 1 Elevations page 2 of 2.

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

- 4.6 As set out in Section 3.0 of this statement, this S73 application seeks only to revise the design of Barn 1, with Barn 2 to be constructed fully in accordance with the extant permission. The approved scheme adopted a 'barn-style' approach to both dwellings, with a simple form, restrained fenestration and an appearance reflective of agricultural buildings. The Officer's Delegated Report noted:

"In terms of visual impact, the layout, elevational design and proposed materials, seem to take on the characteristics of an agricultural building, such as a barn or storage building which is considered to be acceptable for the

rural location where large agricultural buildings are a common feature within the wider landscape".

- 4.7 The proposed revisions to Barn 1 have been carefully designed so as to retain the agricultural referencing. The scheme retains a simple, two-storey form with a barn-style aesthetic, ensuring it remains consistent with the character of the approved development and the wider rural context. The use of a timber frame and a high-quality, traditional material palette reinforce this approach and will result in a well-designed building that complements Barn 2. The proposal therefore continues to accord with the landscape and design principles set out under CP51 and CP57 of the WCS.
- 4.8 In terms of scale and massing, the proposed Barn 1 closely reflects the approved scheme. As demonstrated in the comparison drawings overleaf and the table within Section 3.0, the revised scheme results in a reduction in overall built form, including a reduced floorspace. As such, the proposal does not increase the visual prominence of the development and would, if anything, lessen its impact within the site and surrounding landscape.
- 4.9 The proposed site layout remains consistent with the approved scheme, including the established arrangement of front and rear garden areas and the set-back from the roadside boundary, which ensures the continued retention and protection of important trees along the frontage.
- 4.10 In terms of the relationship between Barn 1 and Barn 2, this will also largely remain as approved. The altered layout has minimal impact with no side windows facing Barn 2 and the closest element to the boundary remains as single-storey.
- 4.11 The same access arrangements will remain.
- 4.12 Comparison plans are set out on the following two pages:

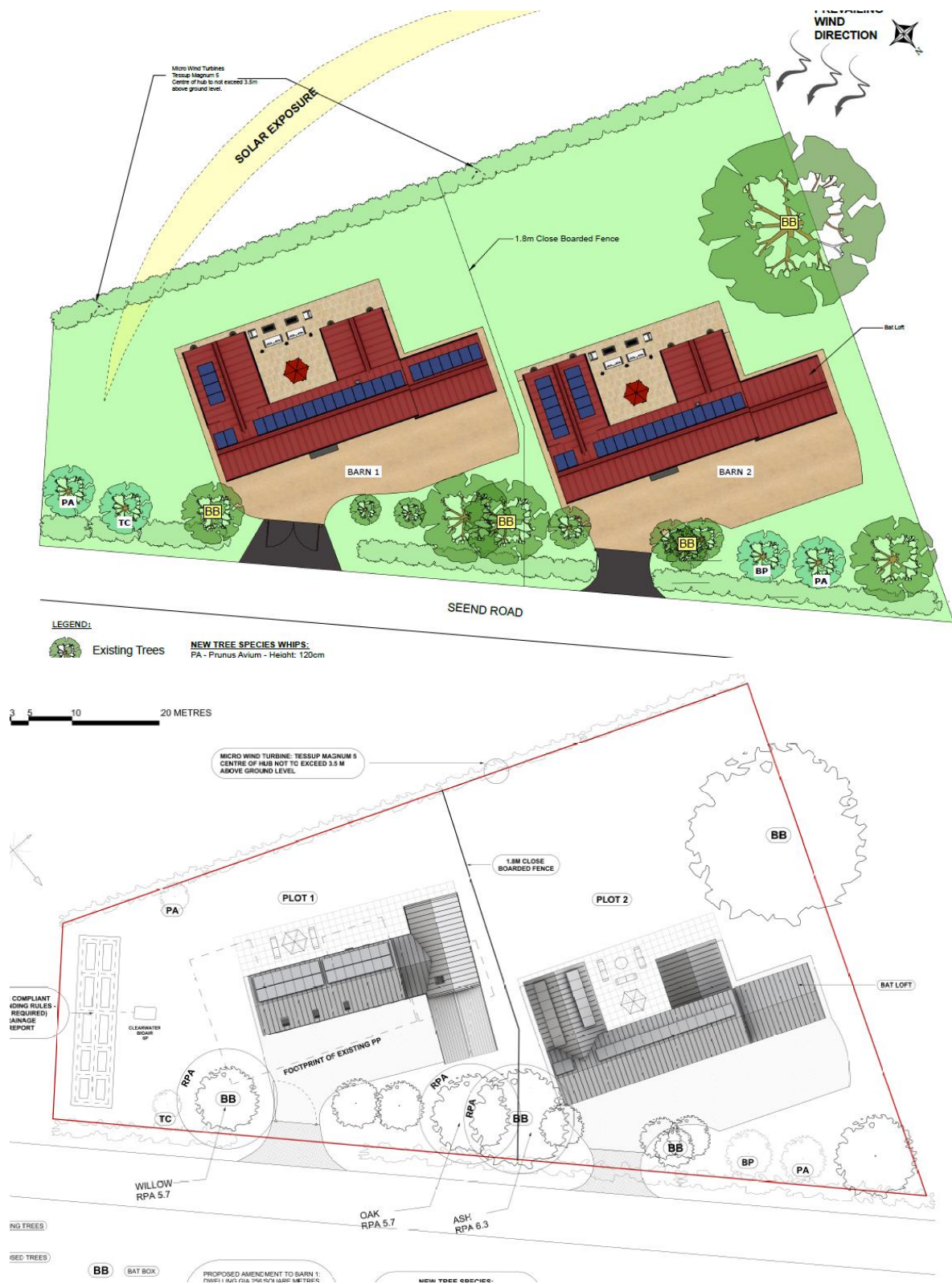


Figure 1: Comparison of approved (top) and proposed (bottom) site layout



Figure 2: Comparison of approved (top) and proposed (bottom) front and rear elevations

- 4.13 We therefore submit that the proposed changes to Barn 1 represent a proportionate and well-considered design that aligns with the principles of the original permission. The changes do not give rise to any adverse impacts on the character or appearance of the area and continue to comply with Core Policies CP51 and CP57 of the Wiltshire Core
- 4.14 In order to facilitate the change in design, the following plans need to be updated:
- i. Drg Title: Site Plan & Landscaping. Rev: B.
 - ii. Drg Title: Barns 1 & 2. First Floor Plan.
 - iii. Drg Title: Barns 1 & 2 Ground Floor Plan.
 - iv. Drg Title: Barn 1 Elevations page 1 of 2.
 - v. Drg Title: Barn 1 Elevations page 2 of 2.
- 4.15 Our suggested wording of Condition 2, referring to the revised plans, is set out below:

CONDITION 2 PROPOSED WORDING

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

Doc Title: Application Form.

Drg Title: Planning Submission Comparison.

Drg Title: Location Plan.

Doc Title: Update, Bat Survey Report. Produced by Start Ecology. Dated: July 2023.

Drg Title: Drawing 1_Proposed Site Plan

Drg Title: Topographical Survey.

Doc Title: Tree Survey & Arboricultural Impact Assessment. Produced by: Hellis Solutions Limited. Dated: August 2020.

Drg Title: Visibility Splays.

Doc Title: Wind Turbine Specifications. Produced by: Tessup.

Drg Title: Barn 2 Elevations page 2 of 2. Rev: A.

Drg Title: Barn 2 Elevations page 1 of 2. Rev: A.

Drg Title: Drawing 3_Barns 1 & 2_First Floor Plans

Drg Title: Drawing 3_Barns 1 & 2_Ground Floor Plans

Drg Title: Drawing 2_Barn 1_Proposed Elevations

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

Condition 3

- 4.16 Condition 3 refers to the submission of and approval by the LPA of the materials to be used for the external walls and roofs.

CONDITION 3 CURRENT WORDING

*No development shall commence on site above ground floor slab level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.*

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

- 4.17 As part of the design process, the applicants have confirmed the material palette that they wish to use on the proposed dwelling. The drawing titled "Drawing 2_Barn 1_Proposed Elevations" and the submitted document titled "Materials List With Links" contains full details of the proposed materials and suppliers. If the Council would like to see samples, these can be arranged to be left at site. However, images and details of the proposed materials are shown on this plan.
- 4.18 This application therefore seeks to vary condition 3 so that it simply refers to the materials as detailed on "Drawing 2_Barn 1_Proposed Elevations" and the submitted document titled "Materials List With Links" – i.e. that the development be carried out in accordance with these submitted details rather than require the future submission and approval of materials.
- 4.19 As detailed on the plans, these materials are of a high quality and are appropriate for the wider rural and agrarian context of the site. They will complement the material palette utilised for Barn 2 without being a direct copy.
- 4.20 We therefore request that condition 3 be reworded as follows:

CONDITION 3 PROPOSED WORDING

*The development hereby approved on plot 1 shall be carried out in accordance with the external materials as detailed "**Drawing 2_Barn 1_Proposed Elevations**" and the submitted document titled "**Materials List With Links**", unless otherwise agreed in writing by the Local Planning Authority.*

*No development shall commence on plot 2 above ground floor slab level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.*

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

Condition 4

CONDITION 4 CURRENT WORDING

Prior to the installation of any septic tanks required for means of foul drainage, proof of the Environmental permit will be submitted to and approved in writing by the Local Planning Authority.

REASON: The application contained insufficient information for the matter to be considered prior to determination.

- 4.21 Condition 4 is self-explanatory in that it was imposed as full drainage details were not provided with the planning application submission. The Delegated Report states the following:

"The proposed development will rely on soakaways for all surface water, and a septic tank for foul drainage which is the existing arrangement at the site. A detailed drainage scheme has not been submitted for consideration at this stage. It is considered that the building control phase will secure the suitability of soakaways during construction, however, a permit for the septic tanks will be required from the Environment Agency. If a permit is not attained, this would result in having no foul drainage in place and the applicant would need to return to the LPA to secure a drainage strategy. As such, it is considered necessary to include a suitably worded condition that secures the foul drainage for the two proposed dwellings".

- 4.22 Full details of the means of foul drainage discharge have been submitted as part of this S73 application to avoid the same/similar condition being imposed and a subsequent discharge of planning condition application needing to be submitted.
- 4.23 A 'Foul Drainage Strategy Report' by Going Group Ltd therefore accompanies this planning application. This details that foul flows are to discharge to a package sewage treatment plant and discharged periodically to an infiltration field. This arrangement is detailed fully in the report and is shown on "Drawing 1- Amended Site Plan".
- 4.24 We therefore suggest that condition 4 is varied so that it now requires the development of the site pertaining to Barn 1 to be carried out in accordance with the submitted details. We suggest that the wording is amended to read:

CONDITION 4 PROPOSED WORDING

The development hereby approved relating to Barn 1 shall be carried out in accordance with the submitted Foul Drainage Strategy Report prepared by Going Group Ltd and Drg Title: Drawing 1_Proposed Site Plan unless otherwise agreed in writing by the Local Planning Authority. The approved foul drainage system, comprising a package sewage treatment plant discharging to an infiltration field, shall be installed and made operational prior to first occupation of the dwelling and thereafter retained and maintained as approved."

Reason: *To ensure the provision of a satisfactory means of foul drainage in the interests of public health and the protection of the environment.*

Condition 5

CONDITION 5 CURRENT WORDING

Bat roosts and bat access points will be incorporated into the development in accordance with:

- The Mitigation outlined in Update Bat Survey Report, Date: July 2023 by Stark Ecology Ltd*
- Drawing: Site Plan & Landscaping, Rev: B, Date: 28/07/23 by Erigo Passivhaus Ltd.*
- Drawing: Barn 2 Elevations Page 1 of 2, Rev: A, Date: 08/06/23 by Erigo Passivhaus Ltd.*
- Drawing: Barn 2 Elevations Page 2 of 2, Rev: A, Date: 08/06/23 by Erigo Passivhaus Ltd.*

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features 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.*

- 4.25 Condition 5 of planning permission ref. PL/2023/02032 was imposed to mitigate for the impacts to bats arising from the development. Among other plans, it refers to the approved site layout and landscaping details (Drawing: Site Plan & Landscaping, Rev: B, Date: 28/07/23 by Erigo Passivhaus Ltd). This plan includes elements that apply across both plots.
- 4.26 As part of the proposed amendments to Barn 1, it is necessary to update the site and landscaping plan in so far as it relates to Barn 1. The revised site and

landscaping plan is titled "Drawing 1- Amended Site Plan". This plan continues to show the landscaping strategy across the site, including the provision and positioning of bat boxes.

- 4.27 Although "Drawing 1- Amended Site Plan" has only been updated to relate to Barn 1, condition 5 requires variation to ensure it references the correct, up-to-date drawings. For the avoidance of doubt, there are no changes proposed to Barn 2, and all plans and details relating to that dwelling remain as previously approved.
- 4.28 The revised plan maintains the ecological mitigation and enhancement measures previously secured and therefore accords with CP50 of the WCS, which seeks to protect and enhance biodiversity.
- 4.29 We therefor submit that the wording to condition 5 is amended to read:

CONDITION 5 PROPOSED WORDING

Bat roosts and bat access points will be incorporated into the development in accordance with:

- The Mitigation outlined in Update Bat Survey Report, Date: July 2023 by Stark Ecology Ltd

- Drg Title: Drawing 1_Proposed Site Plan

- Drawing: Barn 2 Elevations Page 1 of 2, Rev: A, Date: 08/06/23 by Erigo Passivhaus Ltd.

- Drawing: Barn 2 Elevations Page 2 of 2, Rev: A, Date: 08/06/23 by Erigo Passivhaus Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features 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.

5.0 CONCLUSION

- 5.1 The principle of the residential development of the site has been agreed by the extant planning permission PL/2023/02032. The current S73 application is simply seeking a revision to the approved drawings to allow for the revised design of Barn 1.
- 5.2 For the avoidance of doubt, the proposed amendments are limited to the design and associated conditions relating to Barn 1 and do not alter the operative part of the permission, which remains the delivery of two dwellings on the site. The changes are therefore entirely consistent with the scope of a Section 73 application.
- 5.3 The revised positioning, scale and appearance of Barn 2 has been designed in such a way as to avoid any demonstrable harm in respect of neighbour or visual amenity. Matters of parking, highway safety, trees and ecological mitigation all remain as approved.
- 5.4 The site can readily accommodate the revised designs to Barn 2 and it will provide a much needed dwelling to contribute towards the lack of housing land supply in Wiltshire.
- 5.5 The proposal represents a sustainable development which accords with the NPPF and current Development Plan policies. In such instances, the NPPF urges that development should be approved without delay.
- 5.6 The Council is therefore requested to approve this application.

APPENDIX A – COPY OF DECISION NOTICE PL/2023/02032



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2023/02032
Decision Date: 25 August 2023

Applicant: Erigo Passivhaus Ltd
Seldom Seen, 2A Woodland Road, Patney, Devizes,
SN10 3RD

Particulars of Development: Proposed passivhaus premium certified development of 2
no new homes to replace the current condemned dwelling
and separate annex accommodation which also has it's
own garaging and other outbuildings / cattery business
currently on the site.

At: Gertasha, Seend Road, Worton, Devizes, SN10 1SQ

In pursuance of its powers under the above Act, the Council hereby **GRANT
PLANNING PERMISSION** for the above development to be carried out in
accordance with the application and plans submitted (listed below).

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 the following conditions:

Conditions: (10)

- 1 The development hereby permitted shall be begun before the expiration of three years
from the date of this permission.

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:

Doc Title: Application Form.

Drg Title: Planning Submission Comparison.

Drg Title: Location Plan.

Doc Title: Update, Bat Survey Report. Produced by Start Ecology. Dated: July 2023.

Drg Title: Site Plan & Landscaping. Rev: B.
Drg Title: Topographical Survey.
Doc Title: Tree Survey & Arboricultural Impact Assessment. Produced by: Hellis Solutions Limited. Dated: August 2020.
Drg Title: Visibility Splays.
Doc Title: Wind Turbine Specifications. Produced by: Tessup.
Drg Title: Barn 2 Elevations page 2 of 2. Rev: A.
Drg Title: Barn 2 Elevations page 1 of 2. Rev: A.
Drg Title: Barns 1 & 2. First Floor Plan.
Drg Title: Barns 1 & 2 Ground Floor Plan.
Drg Title: Barn 1 Elevations page 1 of 2.
Drg Title: Barn 1 Elevations page 2 of 2.

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

- 3 No development shall commence on site above ground floor slab level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 4 Prior to the installation of any septic tanks required for means of foul drainage, proof of the Environmental permit will be submitted to and approved in writing by the Local Planning Authority.

REASON: The application contained insufficient information for the matter to be considered prior to determination.

- 5 Bat roosts and bat access points will be incorporated into the development in accordance with:

- The Mitigation outlined in Update Bat Survey Report, Date: July 2023 by Stark Ecology Ltd
- Drawing: Site Plan & Landscaping, Rev: B, Date: 28/07/23 by Erigo Passivhaus Ltd.
- Drawing: Barn 2 Elevations Page 1 of 2, Rev: A, Date: 08/06/23 by Erigo Passivhaus Ltd.
- Drawing: Barn 2 Elevations Page 2 of 2, Rev: A, Date: 08/06/23 by Erigo Passivhaus Ltd.

or as otherwise specified in a relevant European Protected Species Licence

superseding this permission. The installation of these bat roosts and access features 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.

- 6 The development hereby permitted shall not be first brought into 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

- 7 No part of the development shall be first brought into use/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 Within 3 months of the Solar Panels and Turbines hereby approved becoming obsolete and or disused, the land and buildings will be restored to their former condition as they were prior to their installation.

REASON: In the interests of amenity, in order to secure the restoration of the land and buildings upon removal/extinguishment of the solar panels and wind turbines and to avoid potential harm and injury to the scenic qualities of the area.

- 9 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity

- 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 shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider

Informatives: (3)

- 11 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 at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 12 The applicants attention is drawn to the previous permissions at the site and issues relating to subsidence. Consideration to foundation type is needed in this instance , a raft foundation has been found to be appropriate previously and should be used in this instance.
- 13 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. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

Parvis Khansari - Corporate Director, Place

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