

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01984
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	The Thatched Cottage, Nettleton, Chippenham, SN14 7NP
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (approved plans) on PL/2025/05181 to change the roof material to reclaimed double roman tiles and the exterior material to cladding instead of render
RECOMMENDATION:	Approve with Conditions

PROPOSAL

This report considers a Section 73 application for the variation of a condition imposed on planning permission PL/2025/05181. The application relates to the site of The Thatched Cottage in Nettleton and seeks to vary condition 2 in relation to the approved plans, to amend the proposed finishing materials of the approved annex to use reclaimed double roman tiles to the roof in place of the approved standing-seam sheet metal roof, and timber cladding to the external walls in place of the approved render.

SITE DESCRIPTION/CONTEXT

The site known as The Thatched Cottage is a detached grade II listed property located within the village of Nettleton, which is designated as a small village within the Chippenham Community Area. Also, the property is located within both the Nettleton Conservation Area and the Cotswolds National Landscape. The property occupies a corner plot adjacent to the highway, bound by a mixture of dry stone walls, fencing and landscaping/planting to the boundaries. The property features a gravel driveway, whilst a carport structure was granted permission under PL/2024/07580 positioned adjacent to the west boundary. The main building displays a gable end fronting the road, with a pitched thatched roof, with the external stone walls appearing to be painted. The surrounding area is largely rural with far reaching views to open countryside and agricultural land to the south and east, whilst there are numerous detached dwellings within the vicinity displaying a variety of construction materials including Cotswolds stone and render.

The official listing description of the property is as follows:

List Entry Number: 1200717

Date first listed: 09-Dec-1985 NETTLETON NETTLETON GREEN ST 87 NW 2/366 The Thatched Cottage II House, C17 or early C18, painted rubble stone with thatched roof and end wall stacks. 2 storeys. North front: double fronted with C20 windows to eyebrow dormers above and flanking central door in gabled porch below. West end lean-to. South front similar, 2 eyebrow dormers, ground floor 3-light casements with top lights flanking blocked door and single light. Timber lintel fireplace

RELEVANT PLANNING HISTORY

Proposal / Summary
N/07/01430/LBC - Listed building consent Decision - Withdrawn Date: 8/8/2007 – Internal alterations, rear extension, demolish conservatory, alterations to boundary wall and access, new openings
N/07/01429/FUL - Full planning permission Decision - Withdrawn Date: 8/8/2007 – Rear extension, demolish conservatory alterations to boundary wall and access
N/07/02338/LBC - Listed building consent Decision - Approve with Conditions Date: 6/11/2007 – Demolish Existing Conservatory and Replace with New Studio, Raise Height of Boundary Walls, Demolish Garage, Create New Access and Internal & External Alterations
N/07/02339/FUL - Full planning permission Decision - Approve with Conditions Date: 6/11/2007 – Demolish Existing Conservatory and Replace with New Studio, Raise Height of Boundary Wall, Demolish Garage, Create New Access and External Alterations
ENQ/2022/01468 - Pre-Application enquiry Decision - Pre-App Response Date: – Demolition of double garage and replace with annexe which will be used for a dependant relative.
ENQ/2024/00256 - Pre-Application enquiry Decision - Pre-App Response Date: 3/5/2024 – Garage driveway windows exterior painting
PL/2024/07580 - Householder planning permission Decision - Approve with Conditions Date: 24/1/2025 – Demolition of outbuilding, removal of three trees and the erection of car port
PL/2024/07943 - Listed building consent (Alt/Ext) Decision - Approve with Conditions Date: 24/1/2025 – Demolition of outbuilding, removal of three trees and the erection of car port
PL/2025/05181 - Householder planning permission Decision - Approve with Conditions Date: 19/9/2025 – Demolish existing garage. Erect new annex
PL/2025/05245 - Listed building consent (Alt/Ext) Decision - Withdrawn by Applicant Date: 12/8/2025 – Demolish existing garage. Erect new annex
PL/2026/00861 - Non-Material Amendment Decision - Approve with Conditions Date: 24/2/2026 – Non-Material Amendment of planning application PL/2025/05181 Change to location of windows and door on North Elevation

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 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping;

- Core Policy 58: Ensuring the Conservation of the Historic Environment

Nettleton does not currently have a Neighbourhood Plan

Cotswolds National Landscape Management Plan 2025-2030

- Policy CE1: Landscape
- Policy CE4: Local Distinctiveness
- Policy CE6: Dark Skies
- Policy CE7: Historic Environment and Cultural Heritage

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Supplementary Planning Documents:

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

The National Planning Policy Framework (NPPF)

- Section 12: Achieving well designed places
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

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.

CONSULTATION RESPONSES

Nettleton Parish Council: Comment –

The councillors have no objection to the change of materials. But they do object to the fact that the work is taking place before planning permission has been approved.

Wiltshire Council Conservation Officer: No objection –

No objection to the proposed change in material as the pallet is complementary to the architecture of the main building.

REPRESENTATIONS

The application was publicised by direct neighbour letter and a site notice displayed at the application site, however no representations have been made.

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 attached to the original planning permission.

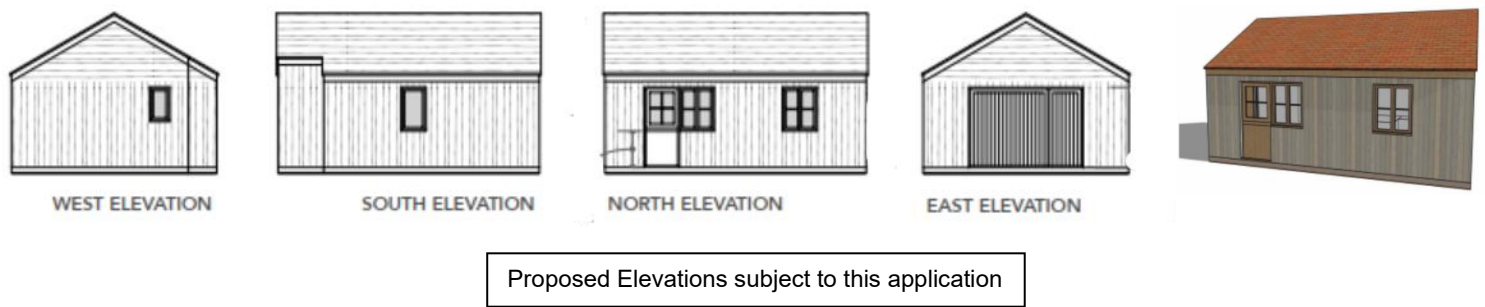
Compliance with the Development Plan

The application seeks permission to vary condition 2 of PL/2025/05181, which granted consent for the demolition of an existing garage and the erection of an ancillary annex. The annex was granted to be located to the rear of the property in broadly the same location as the garage permitted to be demolished. This application proposed alterations to the proposed external finishing materials to the annex building, whilst retaining its overall scale, siting and footprint. It is also noted that the approved scheme has already been subject to a Non-Material Amendment, which was approved to alter the location of windows and doors on the North elevation, approved under application PL/2026/00861.

The extracts below demonstrate the as-approved annex under PL/2025/05181, together with the variation proposed under this application (with the proposed elevations also demonstrating the approved alterations to the North elevation):



As-Approved Elevations and 3D view under PL/2025/05181



Condition 2 related to the approved plans on the original permission, and the application seeks to make amendments solely to the proposed external materials of the annex. The plans were approved for the annex to be finished in render with a pale grey standing-seam sheet metal roof, whilst it is proposed to alter these materials to finish the external walls in vertical and horizontal timber cladding, with double Roman clay tiles to the roof, whilst the doors and windows would remain timber as per the previous permission.

The submitted plans confirm that the overall footprint and built form of the annex would remain as per the previous approval, and the structure would occupy the same position within the rear garden. The proposal would not increase or project beyond the existing residential curtilage or give rise to any additional encroachment or impact upon the site or surrounding land. Furthermore, the positioning of the external doors and windows would remain consistent with both the original approval and the subsequent Non-Material Amendment, therefore there is not proposed alterations to the approved fenestration.

In terms of scale and design, whilst the proposed alterations would introduce alternative external materials to the proposed annex, it is not considered that the introduction of timber cladding and double Roman clay tiles to the roof would appear out of keeping or unsympathetic within the setting of the main dwelling and surrounding area. The introduction of alternative materials to the existing material palette are not considered to result in unacceptable visual impact or appear incongruous within the vicinity, and are considered to blend and compliment the existing building and its plot, enabling the annex to integrate satisfactorily within the vicinity and preserve the existing character and appearance of both the main dwelling, its plot and the surrounding area. The Conservation Officer has not objected to the proposed alteration, confirming that the proposed materials would remain complimentary to the architecture of the existing building.

Given the properties location within the Nettleton Conservation Area and occupying a prominent position along the roadside within a relatively open site, the proposed alternative construction materials are not considered to give rise to unacceptable visual impact to the Conservation Area. The proposed annex would remain positioned within the rear garden of the property, with limited views of the building from the surrounding streetscene partly owing to its siting and the existing boundary treatments, preserving the overarching character and appearance of the area.

The property is located within the Cotswolds National Landscape and given the relative openness to the site, the main building is visible from the road and surrounding area and

enjoys far reaching views across open countryside to both the south and east. However, as previously mentioned, the annex would be positioned within the rear garden of the site which is bound by existing landscaping and dry stone walls which help partially conceal views of the development. Whilst the proposed annex would retain its approved single storey built form, the alteration of the external materials is not considered to result in unacceptable visual impact, nor is it considered to result in harm to the landscape character or scenic qualities afforded to this location.

Collectively, by reason of the scale, design and proposed materials, the proposed use of timber cladding and double Roman clay tiles are considered acceptable and would not result in unacceptable visual impact. The proposed material alteration would still integrate within the plot and wider streetscene and would not give rise to an incongruous or inappropriate form of development within this location.

The impact of the development on residential amenity has already been assessed in the Case Officer Report for PL/2025/05181, where the potential impacts on residential amenity was assessed in relation to the demolition of the existing garage and the erection of the annex. The alterations proposed in this application would not be of further impact on residential amenity to the surrounding properties than the existing approved arrangement. The proposed fenestration aligns with that previously approved under both the original application and the subsequent Non-Material Amendment, and would not result in increased overlooking or loss of privacy to the surrounding properties. Furthermore, the annex is still proposed to be located on the approved site within the residential curtilage and therefore would not be positioned in closer proximity to neighbouring boundaries, with the existing separation distances considered sufficient to help mitigate against any unacceptable impact to residential amenity.

Assessment of Conditions

The application seeks to vary condition 2, to allow for revised plans to reflect amendments to alter the approved external materials to the approved annex.

It is noted on the application form that the work has commenced on 12 January 2026. Whilst the comment from the Parish Council in this regard is noted, that work has commenced is not of such concern to each a negative conclusion on the proposed amendments. However, it does mean that the implementation condition previously imposed is no longer necessary.

Condition 3 has been reviewed and there is no information to indicate that it should be varied or removed. As such its reimposed consistent with the previous planning approval.

No other conditions are necessary in light of the proposed amendments.

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 2 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 carried out in accordance with the following approved plans:

Drawing 2 Rev A – Proposed Plans, Elevations and Site Plan received 27.04.26

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

2. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as The Thatched Cottage, Nettleton, SN14 7NP and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.