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Our Ref: DC/JW/26024

Your Ref:

Ms Maryrose Scott
Planning Team – South
Wiltshire Council
Council Offices
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

23 June 2026

Dear Ms Scott

Re: Proposed variation of Condition 2 (Schedule of approved plans) and Condition 4 (Restriction on use of garage) of Planning permission PL/2025/09724 - Grove Cottage, Nightingale Lane, Wardour, Tisbury, Wiltshire SP3 6RJ

I am instructed to lodge an application under S.73A for the variation of Conditions 2 and 4 of the planning permission granted in February 2026.

The application is submitted electronically via the Planning Portal and comprises the following documents:

- Application for Variation of Condition following a Grant of Planning Permission form
- Planning Statement – see the information contained within this covering letter
- Drawing 26024-4: Location Plan and Site Plans
- Drawing 26024-5: Plans and Elevations as proposed
- Both drawings replace approved floorplan, elevations and roof plan entitled 'proposed Cottage outbuilding received: 06 January 2026'
- CIL additional information Form 1

The application fee of £89 has been paid to the Planning Portal. There is no processing fee with this type of application.

I would be grateful if the following information was considered in support of the application.

Planning approval was granted in February 2026 for a detached garage/store outbuilding to the east of Grove Cottage.

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The applicant now wishes to make some minor changes to the building in terms of design – primarily by raising the eaves and applying a more steeply pitched roof, so that use can be made of the attic space for storage purposes.

The footprint and materials remain the same. The external materials continue to comprise a mixture of natural stone and timber cladding under a zinc standing seam roof to match those approved on the extension to Grove Cottage.

An external staircase is provided to give access to the store within the attic.

What is now proposed exhibits an improved appearance with more vernacular proportions. The materials are entirely appropriate for an outbuilding.

To facilitate these amendments, it is requested that Condition 2 is revised by replacing ‘*proposed Grove Cottage outbuilding received: 06 January 2026*’ with ‘*Drawing 26024-4 – Location and site plan and Drawing 26024-5 – Plans and elevations as proposed*’

Condition 4 of the approval is unusually worded. It appears the intention (following a request from the Parish Council) is to ensure (not unreasonably) that the garage/store building shall remain **ancillary** to Grove Cottage. However, by stating ‘*the proposed garage hereby approved shall only use used for purposes **incidental** to the residential use of the dwelling known as Grove Cottage, Nightingale Lane, Wardour, Tisbury, Salisbury SP3 6RJ and shall not at any time be occupied for overnight accommodation*’ the restriction is extremely onerous and is considered unreasonable and unnecessary.

The applicant wishes to have the ability to use the outbuilding for ancillary purposes which would allow such space (or part of it) to be used as an office or over-flow accommodation (accommodation for guests) should this ever be needed/desired. Such use would fall within the normal interpretation of ancillary use.

Amending the wording to refer to ancillary use would permit the building to be used for a wide range of uses directly connected to and necessitated by the main house whilst ensuring the building cannot be used independently of Grove Cottage i.e. it cannot be occupied or used by someone who doesn’t have a familial connection to the occupier of the main house.

This satisfies the third requirement of save policy H31: *the extension would not create, or be capable of creating, a separate dwelling.*

The second part of the condition states ‘*and it shall remain within the same planning unit as the main dwelling of Grove Cottage, Nightingale Lane, Wardour, Tisbury, Salisbury, SP3 6RJ*’. This part of the condition attempts to impose a non-fragmentation restriction upon the building, i.e. prevent it from being sold away from or used entirely independently of Grove Cottage. It is established planning practice that such restriction cannot be imposed by planning condition.

Any use of the outbuilding for purposes that were not ancillary to Grove Cottage would constitute a material change of use, in any event, for which a specific planning permission would be needed. Therefore, it is unnecessary for this aspect to be controlled by condition.

In the circumstances, it is requested that the wording of Condition 4 is amended to read ‘*The garage/store hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Grove Cottage, Nightingale Lane, Wardour, Tisbury,*

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Salisbury, SP3 6RJ. Reason: To ensure that the garage/store is not severed from the main dwelling or used as independent accommodation in this open countryside location, where such use would be contrary to policies within the Wiltshire Core Strategy (2015) and saved policies from the Salisbury District Local Plan (2011).'

As currently worded it is considered Condition 4 fails the tests required to be satisfied by conditions as set out in Planning Practice Guidance.

However, the proposed replacement condition will give the LPA all the control it needs over the use of the building.

In conclusion, I trust the Local Planning Authority (LPA) will recognise that the revised design is entirely appropriate, utilising improved proportions relative to the approved scheme, whilst continuing to use materials entirely appropriate for a domestic outbuilding.

By varying the wording of Condition 4, the LPA can retain complete control over the use of the outbuilding, ensuring that it is not capable of being utilised as independent accommodation.

However, by varying such wording to permit ancillary use, it would give the applicant the ability to utilise the outbuilding for those purposes normally considered acceptable for an outbuilding of this kind.

I look forward to receiving approval within the statutory eight-week period.

Should any aspects of the application need further discussion, please contact me at the earliest opportunity.

Yours sincerely

Diccon Carpendale

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Encs

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