



The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2026/03090
Decision Date: 08/07/2026

Applicant:	Mr & Mrs P Nierop 1 Grosvenro Drive, Tisbury, SP3 6GS
Particulars of Development:	Variation of condition 1 (Approved Plans - Change to mix of external materials. Change of chimney to internal stack.) relating to application PL/2026/00470.
At:	Land Adjacent to Walnut House, Cholderton, SP4 0DH

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 carried out in accordance with the following approved plans:

Proposed site plan Drg no 25-1110/SP1 received 23/01/2026

Location plan Drg no 25-1110/LP1 received 11/02/2026

Proposed garage Drg no 25-1110/G1 received 23/02/2026

Proposed visibility splay Drg no 25-1110/VS1 received 23/01/2026

Proposed plans and elevations Drg no 25-1110/1A received 13/05/2026

Bat Survey received 24/01/2022

Tree Survey and Arboricultural Impact Assessment received 06/03/2026

Landscape plan Drg 25-1110/LP1 received 20/04/2026

Tree protection plan Drg no 25-1110/TPP1 received 20/04/2026

Arboricultural Assessment received 20/04/2026

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

- 2 Notwithstanding the approved plans, the development shall be carried out in accordance with the materials details approved pursuant to discharge of conditions application PL/2022/02219, including Michelmersh Hampshire Stock Cobham Blend brickwork laid in Flemish bond (not stretcher bond) and natural random field flint (not flint blocks). The roofs of the dwelling and garage shall be finished in either the approved clay tiles or natural slate.

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

- 3 The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, 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.

- 4 Any gates shall be set back 4.5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 5 No part of the development hereby permitted shall be occupied until the access, turning area & parking spaces [3] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

- 6 No part of the development shall be 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.

- 7 The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

- 8** No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 9** The development should be carried out strictly in accordance with the Arboricultural Impact Assessment and Tree Protection Plan received 20/04/2026. The trees must be protected in accordance with the agreed report/plan throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

- 10** All soft landscaping comprised in the approved details of 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; 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.

All hard landscaping shall also 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.

- 11** Notwithstanding the approved plans prior to the erection of the proposed entrance gates, details including elevations and materials shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

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

- 12** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 2 Class A shall take place within the application site other than those shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for further means of enclosure due to the rural landscape setting of the dwelling and to protect the character of the conservation area.

Informative

- 1 The application involves the creation of a new vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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 our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

Informative

- 2 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

Informative

- 3 The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

Informative

- 4 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowner's consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Informative

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.

Nic Thomas - Director of Planning, Economy and Climate

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