

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01740
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	New Manor Farm, The Stables, Pitton Road, West Winterslow, SP5 1SE
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (approved plans) on PL/2024/10952 for the addition of two dormer windows to the North-West elevation and relocation of flue
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The building subject to this application is a brick built outbuilding adjacent to the main farm yard area and farmhouse for New Manor Farm. The site is set within a grassed area with a brick wall boundary around most of its extent. The building is domestic in scale and appearance. The site is set within a rural location, designated as open countryside for the purposes of the local plan. The buildings are not listed, nor within a National Landscape (formerly AONB) or Conservation Area. The setting of the building relative to the farm buildings is shown on the maps below. Consent was granted under PL/2024/10952 for the conversion of existing building into a 2 bedroom residential dwelling including amenity and parking with the addition of dormer windows and porch, demolition of existing derelict log store and erection of new smaller log store.

PROPOSAL

This report considers a Section 73 application for the variation/removal of condition(s) imposed on planning permission PL/2024/10952. The application relates to the site at New Manor Farm, The Stables, and seeks to vary/condition 2 in relation to approved plans, seeking to amend the approved Velux rooflights on the north-west elevation with two dormer windows. The amendment also seeks to relocated the flue internally, rising through the building rather than externally.

RELEVANT PLANNING HISTORY

Proposal / Summary
15/12259/PNCOU - Notification Decision - Prior Approval Refused Date: 5/5/2016 – Prior notification under Class Q - Change of use to agricultural stable building to single dwellinghouse (use Class C3) and associated operational development
PL/2023/01827 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses Decision - Prior Approval Refused Date: 18/4/2023 – Conversion of existing building into a 2 bedroom residential dwelling. The building is sited close to the road side and has adequate parking and amenity area for the dwelling.
PL/2024/10952 - Full planning permission Decision - Approve with Conditions Date: 20/11/2025 – Conversion of existing building into a 2 bedroom residential dwelling including amenity and parking with the addition of dormer windows and porch. Demolition of existing derelict log store and erection of new smaller log store.

S/1994/0875 - Full planning permission Decision - Approve with Conditions Date: 24/8/1994 – CONVERSION OF REDUNDANT STABLES TO SINGLE RESIDENTIAL UNIT
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S/1997/1943 - Full planning permission Decision - Approved Date: 22/1/1998 – RETROSPECTIVE APPLICATION FOR REPLACEMENT GARAGE AND STORE

S/2000/0417 - Full planning permission Decision - Approve with Conditions Date: 21/8/2000 – CONVERT REDUNDANT STABLE BLOCK TO SINGLE RESIDENTIAL UNIT

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

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 23 Spatial Strategy Mere Community Area
- Core Policy 48 Supporting Rural Life;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 69 Protection of the River Avon SAC.

Salisbury District Local Plan 'saved' policies

C6 Special Landscape Areas

Supplementary Planning Documents:

Wiltshire Design Guide (adopted April 2024)

Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

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

Ecology: Comment stated below:

The proposed variation to Condition 2 (approved plans) of application PL/2024/10952, and the associated updated plans, does not introduce any internal or external changes that would affect habitats or species on site. There are no ecological concerns in relation to this variation, provided that all ecological mitigation measures secured under the original permission are implemented in full.

Bat Roost and Mitigation

Surveys undertaken as part of the previous application confirmed the presence of maternity roosts for both brown long eared and common pipistrelle bats. The proposal will result in the loss of bat maternity roosts. Bats and their roosts are afforded stringent protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and as such are a material consideration within the planning consultation process. Sufficient and appropriate mitigation was agreed and secured as part of the original consent. The proposed amendments

do not affect the approved mitigation strategy, including the provision of a bat loft above the garage (with ridge tile access and bitumastic roofing felt), or the installation of external bat boxes.

A European Protected Species (EPS) Bat Mitigation Licence will still be required to enable the lawful implementation of the development, and the previously imposed lighting condition remains applicable.

New Forest Protected Sites and River Test AA

The proposed variation of condition does not introduce any changes to the previously agreed mitigation in respect of the River Test or the New Forest Protected Sites. The conclusions of the previously agreed Appropriate Assessment, as endorsed by Natural England, therefore remain relevant to this permission.

Winterslow Parish Council: No Objection

REPRESENTATIONS

None

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 other relevant policy, supplementary planning documents and guidance. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

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.

The application seeks permission to amend condition 2 of planning approval PL/2024/10952, worded as follows:

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

Location Plan ref: 102 Rev A Date Received: 29/11/2024

Proposed Block Plan ref:103 Rev C Date Received: 17/10/2025

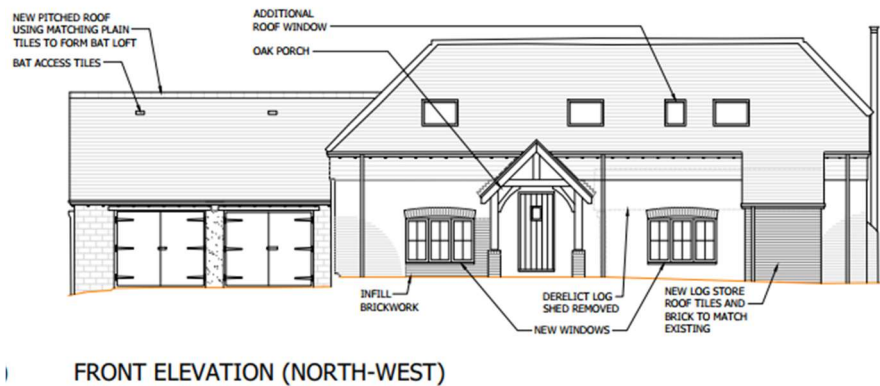
Proposed Plans and Elevations ref: 101 Rev B Date Received: 17/10/2025

Application Form Date Received: 29/11/2024

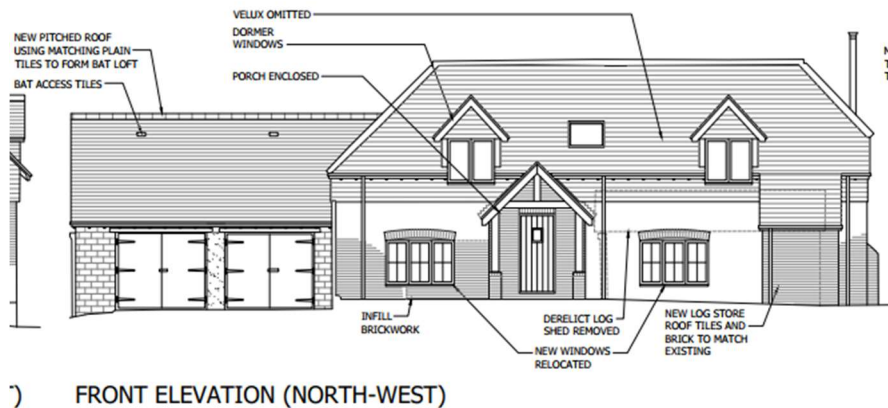
REASON: For the avoidance of doubt and in the interests of proper planning.

Application PL/2024/10952 for the proposed conversion of existing building into a 2 bedroom residential dwelling was approved on 20/11/2025.

The approved plan for the front elevation is shown below:



The proposed, amended, front elevation, is shown below:



The application seeks to amend the first floor fenestrations, to provide 2 dormer windows, replacing the approved rooflights. The application was previously assessed with the fallback position of PL/2023/01827, which included 3 rooflights to the front elevation, and 3 rooflights to the rear elevation. PL/2024/10952 allowed for 2 rear dormers, and 2 additional rooflights to the front elevation. The proposed amendments to the front elevation as part of this S73 application are considered acceptable, as the site is located in an isolated position where the addition of dormers to the front elevation would not create opportunities for overlooking to neighbouring dwellings. The amended front elevation would reflect the style of the rear elevation, which also features 3 dormer windows. The previous Officer's report stated that:

'The additional fenestrations retain the character of the building, and the additional 2 dormer windows are proposed to the rear elevation, which is considered acceptable....

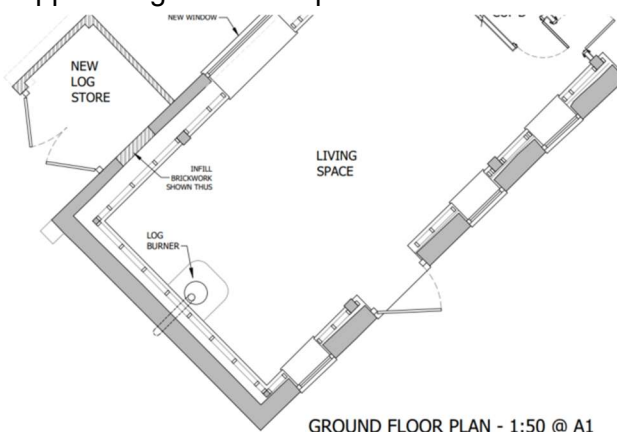
The proposal includes 2 dormer windows to the rear (south east) elevation, and one additional roof light to the front (north west) elevation, however these are in view of the open fields to the rear of the site, and would not therefore provide opportunities for overlooking. There are no windows proposed to the side elevations, and the north east side elevation is attached to the garage associated with the building. As per the ecological mitigation, this garage is to be utilised as a bat loft.'

The proposed amendments to the first floor windows, on the front elevation, are of suitable scale, retain the character of the building, and would not be of impact on the character of the area. The nearest dwelling is over 40 metres from the application site, and it was previously considered that the proposal would not be of impact on residential amenity. The proposed additional dormers would remain over 40 metres from the nearest residential dwelling, to the north west, and as such are not considered of impact on residential amenity, beyond that assessed in the original consent.

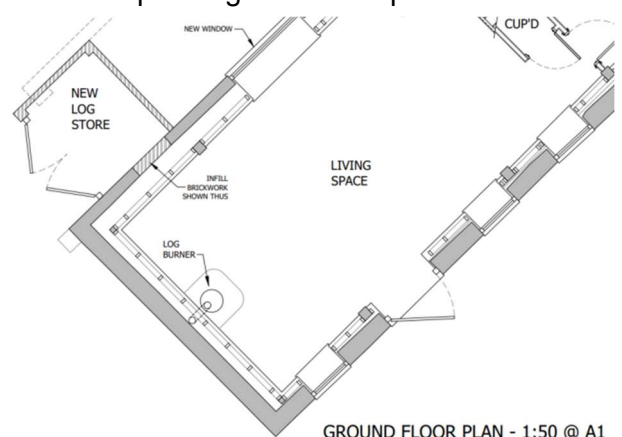
The ecology consultee has confirmed that the proposed alterations do not introduce any internal or external changes that would affect habitats or species on site. There are no ecological concerns in relation to this variation, provided that all ecological mitigation measures secured under the original permission are implemented in full.. The proposed amendments do not affect the approved mitigation strategy, including the provision of a bat loft above the garage (with ridge tile access and bitumastic roofing felt), or the installation of external bat boxes. A European Protected Species (EPS) Bat Mitigation Licence will still be required to enable the lawful implementation of the development, and the previously imposed lighting condition remains applicable. The proposed variation of condition does not introduce any changes to the previously agreed mitigation in respect of the River Test or the New Forest Protected Sites. The conclusions of the previously agreed Appropriate Assessment, as endorsed by Natural England, therefore remain relevant to this permission. As such, no ecology objection was raised, and the relevant and necessary conditions will be included on this consent.

The application, within condition 2, also seeks to relocate the flue, which was previously shown as an external flue, extending upwards along the side (south west) elevation. The S73 application seeks to amend this, so that the flue rises through the building internally. The plans for this are shown below:

Approved ground floor plan:



Proposed ground floor plan:



As the flue is proposed to be relocated internally, it would not be visible on the front, side, or rear elevations, except for where it extends upwards from the roof. It is considered that this amendment would be less visually intrusive than the approved, and as such the amendment is considered acceptable.

The proposed amendments would not alter the nature or impacts of the approved scheme, does not include for a change to the description of the proposal, nor would it result in a materially different development than previously approved.

Other Material Considerations/Issues

The original application required a S111 to secure mitigation, due to the sites location in the New Forest zone of influence, and River Test catchment. The ecology consultee has confirmed that the amendments included in this S73 application would not harm the agreed mitigation, and the S111 was completed and agreed on the original consent. The S111 secured payment for mitigation, and in paragraph 2.2.4, it is noted that

'If the planning permission is varied by a section 73 application or amended, then the contribution may be used to cover the New Forest Strategic Access and Management Monitoring Strategy (October 2023) due for that application.'

As such it is considered that the S111 payment is retained, and transferred, for the implementation of this application, and this matter has been satisfactorily addressed.

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, the National Planning Policy Framework, and other relevant policy and guidance. 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 benefits of the proposal are judged to outweigh any identified harms, which can be appropriately mitigated through planning conditions or other controls. 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 and documents:

Location Plan ref: PLG_1278-102A Date Received: 23/03/2026

Proposed Block Plan ref: PLG_1278-103E Date Received: 26/05/2026

Proposed Plans and Elevations ref: PLG_1278-101D Date Received: 26/05/2026

Application Form Date Received: 16/03/2026

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

2.The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those detailed on the application form and approved plans.

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

3. The development will be carried out in strict accordance with the following documents:

- Nutrient Neutrality Budget for the Solent Marine- Existing
- Nutrient Neutrality Budget for the Solent Marine- Proposed
- Nutrient Budget Report. February 2025. Elite Ecology
- Bat Emergence Survey Report. August 2025. Elite Ecology
- Package Treatment Plant Location Plan. September 2025. PD Studio
- Proposed Plans and Elevations Rev B. October 2024. Property Design Studio

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4. The proposed package treatment plant (Grafone2clean) and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future package treatment plant is of an equivalent or improved standard.

5. The overnight development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

A water efficiency calculation will be needed to discharge this condition. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36- 44). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

6. All lighting provided on site shall 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 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

7. The roost and access point opportunities to be created for bats, as detailed in the (Proposed Plans and Elevations Rev B. October 2024. Property Design Studio) shall be implemented as agreed or as agreed with Natural England prior to the completion of the

development hereby permitted under the supervision of an appropriately qualified ecologist. The details shall be maintained in for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of conserving and enhancing biodiversity

INFORMATIVES:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Non-Mains Drainage

A non-mains sewerage system is proposed. The area in which the development is located is within close proximity to the River Avon and may experience flooding and ground water conditions of concern. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality."

Any installation of a Package Treatment Plant needs to meet approval of Environment Agency's requirements under their permitting role.

New Forest Mitigation Strategy

Evidence of compliance to the Wiltshire Council New Forest Protected Sites Recreational the scheme.

An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

Bats

The roof space is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.