

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/02018
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Rixon Farm, Rixon Gate, Ashton Keynes, Swindon, SN6 6QW
DEVELOPMENT DESCRIPTION:	Vary Condition 2 (Plans) of 14/03493/FUL - Full Planning Permission for the Demolition of Existing Agricultural Buildings and Erect 2 Dwellings with Parking and associated Landscaping. Conversion of Barn to Form Single Dwelling. Change of Use of Ground Floor Barn and Extension to Form Single Dwelling including Existing First Floor Residential Use (Pursuant to 05/02731/FUL) Erection of Garage for Farmhouse
RECOMMENDATION:	That Planning Permission is GRANTED subject to conditions

SITE DESCRIPTION/CONTEXT

The site is located in the open countryside in planning terms by virtue of its position outside of any settlement boundary defined by the Wiltshire Core Strategy. The buildings to which this application relates are Grade II listed, with the remainder of the outbuildings to be curtilage listed. There is a further listed building on the wider site. The site is susceptible to flooding, being at risk of ground water flooding and as it is within flood zone two. The site is also in an area of archaeological potential.

Planning permission was granted in 2015 (ref: 14/03493/FUL) for a comprehensive redevelopment of the site to provide several new dwellings through new buildings and conversion of existing buildings. The permission was commenced and has been subject to several prior s.73 (variation of condition) applications to make minor-material changes to several plots.

The application relates to Plot 2, known as 'the Barn' or 'Granary', which consists of a threshing barn, the former stable building and former cowshed. The changes sought as part of this application relates to the former cowshed.

PROPOSAL

This report considers a Section 73 application for the variation/removal of condition(s) imposed on planning permission 14/03493/FUL '*Full Planning Permission for the Demolition of Existing Agricultural Buildings and Erect 2 Dwellings with Parking and associated Landscaping. Conversion of Barn to Form Single Dwelling. Change of Use of Ground Floor Barn and Extension to Form Single Dwelling including Existing First Floor Residential Use (Pursuant to 05/02731/FUL) Erection of Garage for Farmhouse*'.

The application relates to the site at Rixon Farm, Rixon Gate, Ashton Keynes, Swindon, SN6 6QW, and seeks to vary/remove condition(s) 2 'Approved Plans' in order to enable minor amendments to the former cowshed within Plot 2, including the alteration of the south elevation of the former cowshed by incorporating full length double glazed windows in minimalist aluminium frame to be set in front of the rebuilt rounded stone columns.

This application is supported by a Listed Building Consent application under reference PL/2026/02884 seeking for the same proposed minor-material amendments.

To address this matter, the following previously approved plans have been altered to include the amendments:

- Granary (Plot 2) Proposed Ground Floor Plan; April 2024 RFD/G 2018 03B; received 7 November 2024
- Granary (Plot 2) Proposed First Floor Plan; January 2024 RFD/G 2018 04B; received 7 November 2024
- Granary (Plot 2) Proposed Roof Plan; January 2024 RFD/G 2018 05C; received 7 November 2024
- Granary (Plot 2) Proposed South Elevation; April 2024 RFD/G 2018 06D; 7 November 2024
- Granary (Plot 2) Proposed North Elevation; January 2024 RFD/G 2018 07C; 7 November 2024
- Granary (Plot 2) Proposed West Elevation + Section A-A; January 2024 RFD/G 2018 08D; 7 November 2024
- Conditions Details Sheet 2; 151120-151 Rev D; received 10 July 2024

The proposed revised plans to entirely replacement the existing approved plans are as follows:

- Granary (Plot 2) Proposed Ground Floor Plan; March 2026 RFD/G 2018 03C; received 2 April 2026
- Granary (Plot 2) Proposed First Floor Plan; March 2026 RFD/G 2018 04C; received 2 April 2026
- Granary (Plot 2) Proposed Roof Plan; March 2026 RFD/G 2018 05D; received 2 April 2026
- Granary (Plot 2) Proposed South Elevation; March 2026 RFD/G 2018 06E; received 2 April 2026
- Granary (Plot 2) Proposed North Elevation; March 2026 RFD/G 2018 07D; received 2 April 2026
- Granary (Plot 2) Proposed West Elevation + Section A-A; March 2026 RFD/G 2018 08E; received 2 April 2026
- Conditions Details Sheet 2; 151120-151 Rev F; received 25 March 2026

The applicant has also submitted the following additional information to support the proposed amendments:

- Application form; received 25 March 2026
- Planning Statement; received 25 March 2026
- Location Plan; received 25 March 2026

Following concerns raised by the Conservation officer, a rebuttal in response to the comments has been submitted for consideration.

RELEVANT PLANNING HISTORY

Proposal / Summary
N/04/02419/CLE: Certificate of lawful use – use of first floor of barn as residential flat. Approved 25 October 2004
N/05/00083/LBC: Conversion of barn to residential use with extension and associated internal and external alterations. Withdrawn 29 March 2005
N/05/00084/FUL: Change of use to residential and erection of side extension. Withdrawn 29 March 2005
N/05/02730/LBC: Internal and external alterations and extension to form dwelling. Approved 14 December 2005
N/05/02731/FUL: Change of use of ground floor of barn & extension to form single dwelling including existing first floor residential use. Approved 14 December 2005
14/03493/FUL: Full planning permission for demolition of existing agricultural buildings and erect 2 dwellings with parking & associated landscaping. Conversion of barn to form single dwelling. Change of use of ground floor of barn and extension to form single dwelling including existing first floor residential use (pursuant to 05/02731/FUL) Erection of garage for farmhouse. Approved 01 May 2015
14/03672/LBC: Internal & external alterations to farmhouse including rebuilding of barn roof, insertion of partition wall & refurbishment. Demolition of sections of boundary walls. Internal and external alterations & extension of barn to form dwelling (pursuant to 05/02730/LBC) Internal & external alterations of barn to form dwelling. Approved 01 May 2015
16/06531/PNCOU: Prior Notification for change of use of agricultural buildings to 3 no. dwellinghouses (Use Class C3). Withdrawn 25 August 2016
18/11283/LBC: Amendments to Listed Building Consent 14/03672/LBC. Approved 31 January 2019
19/02580/LBC: Insertion of new window in ground floor in the former cheese room building (amendment to 14/03672/LBC). Approved 30 May 2019
20/06177/VAR: Variation o conditions 2, 3 & 4 of 14/03493/FUL in relation to reposition of Plots 4 + 5, relocating permitted carparking and carports for better amenity for Plot 3. Redesigning Plots 4 + 5 for a more appropriate non domestic aesthetic including also using more materials of the locale, such as stone and timber. Retaining more of the existing stone walls. Approved 02 November 2020
PL/2021/04411: Variation of Conditions 2, 3 & 4 of 14/03493/FUL relating to approved plans. Approved 11 August 2021

PL/2021/04830: Amendments to Conditions 2, 3 & 4 of Listed Building Consent ref 14/03672/LBC in relation to Plots 2 + 3. Approved 14 June 2021
PL/2021/04896: Further to application 14/03672/LBC, Conversion of listed building to no. 2 dwellings with associated works comprising of replacement fenestration and internal alterations including the creation of a first floor within plot 3. Approved 11 August 2021
PL/2021/11665: Further to Listed Building Consent 14/03672/LBC - rebuilding of existing stone columns and add timber trellis above to form bin store; creation of internal opening and other internal rearrangements to achieve amalgamation of existing dwelling into previously approved barn conversion; and additional partition wall and internal door to form separate utility and study. Approved 23 May 2022
PL/2021/11680: Variation of Condition 2 (approved plans) of planning application 14/03493/FUL ('Full Planning Permission for Demolition of Existing Agricultural Buildings & Erect 2 Dwellings with Parking & Associated Landscaping. Conversion of Barn to Form Single Dwelling. Change of Use of Ground Floor of Barn & Extension to Form Single Dwelling Including Existing First Floor Residential Use (Pursuant to 05/02731/FUL) Erection of Garage for Farmhouse'). Amendments to include relocation and new design of plot 2 and consequent changes to plot 3; and alterations to overall site layout. Refused 23 May 2022
PL/2023/08925: Further to Listed Building Consent PL/2021/04896, proposed minor amendments to Plot 3 only including relocate internal gallery and staircase, replace permitted 2no. staircases with 1no. staircase to first floor bedrooms and relocate ground floor wc. Approved 08 January 2024
PL/2024/01252: Variation of condition 2 of 14/03493/FUL - internal and external amendments to plot 2 and consequent changes to plot 3; and alterations to overall site layout and parking. Approved 16 August 2024
PL/2024/01182: Proposed alterations to Plot 2 to include extending proposed living accommodation in the West wing (former cowshed) and relocate car parking. Reusing existing opening to form new entrance and rebuild part of former outbuilding with new plant room and bin store [listed building consent associated with above variation of condition]. Approved 16 August 2024
PL/2024/10074: Arcadia Pantiles to roof of west wing of Plot 2 (former cowshed) to match farmhouse. Approved 18 December 2024
PL/2024/09360: Variation of condition 1 (approved plans) relating to application PL/2024/01252. Approved 6 January 2025
PL/2025/01042: Variation of Condition 2 (plans) of 14/03493/FUL (Full Planning Permission for the Demolition of Existing Agricultural Buildings and Erect 2 Dwellings with Parking and associated Landscaping. Conversion of Barn to Form Single Dwelling. Change of Use of Ground Floor Barn and Extension to Form Single Dwelling including Existing First Floor Residential Use (Pursuant to 05/02731/FUL) Erection of Garage for Farmhouse) to make amendments to garage. Approved 30 April 2025

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 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;

Draft Wiltshire Local Plan Policies

At Full Council on 19 May, the elected members of Wiltshire Council agreed to withdraw the emerging Wiltshire Local Plan. It will now be subject to a legal process to finalise its withdrawal - which is likely to happen in July or August (2026). The said Plan has no material weight for the purposes of the application.

Neighbourhood Plan:

Ashton Keynes Neighbourhood Plan (Made May 2017)

- Policy ENP3 - Enhancing the landscape character of the Parish and retaining the character of the village including the tranquillity of its setting
- Policy HCP1 - Local character

Supplementary Planning Documents:

- Wiltshire Design Guide (adopted April 2024)
- Historic England Advice Note 2

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.
- Considering the need for a deed of variation to the original Section 106 agreement, as the grant of a new permission under Section 73 would result in a new planning permission.

CONSULTATION RESPONSES

The following is a summary of consultation responses. Comments in full are published online.

WC Archaeology: No comment.

Ashton Keynes Parish Council: No comment.

WC Conservation: Objection for the following reasons

- The proposed external glazing is viewed as overly visually dominant, reducing the prominence and legibility of the stone columns;
- The proposal would cause less than substantial harm to the significance and character of the listed farm buildings;
- Does not consider additional conditions to be an appropriate solution, stating that the need for extensive mitigation suggests the design approach is fundamentally unsuitable.

WC Drainage: No comment.

WC Highways: No comment.

WC Landscape: No comment.

WC Public Protections: No comment.

REPRESENTATIONS

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

No representations have been received at the time of writing.

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?

Since the original grant of planning permission, the LPA is aware that the development has commenced (following discharge of pre-commencement condition and site inspections). The

scheme, as it was originally approved can therefore be implemented and exists as a legitimate fall-back position.

Notwithstanding the above, the LPA must consider any changes to the planning policy position since the original grant of permission that could affect the overall principle of development. A notable change is that the Ashton Keynes Neighbourhood Plan has been made in May 2017. However, the neighbourhood plan does not introduce any new policy requirements that would affect the principle of development.

The NPPF, as updated in December 2024, has also introduced a requirement for the council to deliver a greater quantum of new housing and the Council's housing land supply position is current at 2.8 years. As such, there is a national policy requirement for the LPA to provide increased support to the development of new homes.

The principle of the development is therefore supported by the development plan and NPPF.

As well as the policy position, the LPA must be satisfied that the changes sought do not give rise to a 'new' development and remain within the description of the original development.

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(s) attached to the original planning permission.

Compliance with the Development Plan

The key issues that need to be addressed in this case include:

- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would preserve or enhance the historic environment (CP 58)

Each of the issues above has been assessed under the headings below.

Design and Impact on the Heritage Assets, Character and Appearance of the Area

Section 12 of the NPPF emphasises design that is visually attractive, functionally effective, and contributes to the quality of the built environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 notes that in considering whether to grant planning permission for any works to a listed building the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In support of the above legislation, Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Moreover, Core Policy 58 requires all development to protect,

conserve and where possible enhance designated heritage assets and their settings. It is also key to assess the proposed amendments against Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. Policy HCP1 of the AKNP further supports the above.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

The proposal involves amendments to the approved scheme which affect an outbuilding that is considered to be curtilage listed, given its physical connection to the Grade II Listed Building, 'Barn and Associated Farm Buildings at Rixon Farm' to the east. It is important to recognise that, at the time of writing, implementation of the extant planning permission 14/03493/FUL ('the 2015 permission') has commenced, and that the former cowshed has now been substantially reconstructed as part of the conversion permitted under the 2015 permission.

Accordingly, the assessment of this proposal requires the consideration of the impact of the proposal on the significance of the listed heritage asset, and the character and appearance of the wider site. In the considerations permitted under a S.73 application, the assessment should then focus on whether the proposed amendments would result in any additional heritage harm, and if so whether such harm would outweigh or undermine the public benefits previously identified through the approved conversion.

Paragraph 208 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It requires LPAs to "avoid or minimise any conflict" between the heritage asset's conservation (which includes achieving its optimum viable use) and any aspect of a proposal.

The definition of significance is outlined in the NPPF to support the heritage policies within. It states that,

The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Paragraphs 61 to 83 of the Conservation Principles Policies and Guidance by Historic England provides further advice on how the significance of heritage assets can be assessed, including that understanding a heritage asset requires consideration of its history, evolution, form, character, setting, construction and function over time. Furthermore, it advises that heritage significance can derive from different elements, and that some components may be of greater significance than others.

The Historic England list entry describes the former cow shed as part of a range of C17 and C18 farm buildings and records the building as follows:

Attached to stables to west, cowhouse of 6 bays, stone, stone tile roof supported on circular rubble columns on open front. Trusses with cambered collars, blade principals and two in-line purlins.

It is clear from the list description that one of the defining characteristics of the building is its historic role as an open-sided cowshed, expressed through the rhythm of the round stone columns and the uninterrupted six-bays composition on the southern elevation.

The submitted Planning Statement, together with information of the 2015 permission available to the Council, demonstrates that the former cowshed suffered extensive damage during a fire in late 1990s, such that very limited historic fabric of the former cowshed remains available. Following this event, the remaining structure fell into disuse and deteriorated further prior to the grant of the 2015 permission. The permission includes approval of the substantial reconstruction works and conversion to residential use, which have been considered necessary to secure the building's long-term preservation and optimum viable use, thereby delivering public benefits sufficient to justify the intervention.

At the time of writing, the former cowshed has been substantially reconstructed, with the columns and open bays visible for appreciation. While the limited available historic fabric does not diminish the importance and overall significance of the designated heritage asset itself, it is a material consideration when identifying where the significance derives from.

Having considered the above, it can be reasonably concluded that the significance of this building therefore mostly derives from its historic agricultural form, its open-fronted character and the rhythm of the stone piers rather than from the survival of original fabric.

The submitted Planning Statement explains that the approved proposal introduces timber clad cavity walls behind the round columns, with full length glazing occupying the remaining openings. It further demonstrates that the approved design necessitates the partial concealment of the valued elements of the roof structure by the new walling. The current proposed amendments would remove the timber clad cavity walls entirely from the southern elevation, and instead provide a continuous glazed enclosure positioned externally to the line of the columns, further removing the need to conceal those valued roof elements. The Conservation Officer has expressed concerns regarding these amendments in principle. However, having regard to Section 66(1), the requirements of paragraphs 212 and 215 of the NPPF, and the assessment of the heritage asset's significance above, particular weight should be given to preserving the legibility of the building's historic form, function and architectural character. The assessment of the impacts of the proposals to the significance of the heritage asset is set out below.

Paragraph 49 of the Historic England Advice Note 2 states that:

New features added to a building are less likely to have an impact on the significance if they follow the character of the building. Thus in a barn conversion new doors and windows are more likely to be acceptable if they are agricultural rather than domestic in character, with the relationship of new glazing to the wall plane reflecting that of the existing and, where large door openings are to be glazed, with the former doors retained or replicated so that they can be closed.

In this instance, the open-fronted agricultural character of the building is considered to make a substantial contribution to its significance. Whilst Historic England guidance identifies the addition of doors and windows of an agricultural character as one potential approach to the adaptation of certain historic farm buildings, such an approach is not considered necessary or appropriate in this case. The building has already been approved for residential conversion, and the introduction of additional agricultural-style features that do not reflect the building's historic form would result in a contrived intervention rather than one derived from an evidence-based understanding of the asset's significance. Similarly, the introduction of cart doors, which may be appropriate in certain traditional farm building conversions, would not be justified in this specific case. There is no evidence that the southern elevation of this building was historically enclosed by cart doors or any for that matter. Rather, the list description specifically identifies the building as an open-fronted six-bay cowshed supported on circular stone columns, indicating that openness is one of the defining characteristics of its special architectural and historic interest. Therefore, the introduction of cart doors would risk misrepresenting the historic form and character of the building and diminish the legibility of the open-fronted bays that contribute positively to its significance. Such an approach would also reduce the amount of internal accommodation previously found acceptable under the extant permission, without delivering a corresponding heritage benefit in this specific case. Having considered the prior, it is not considered that the introduction of additional agricultural-style features would better preserve the significance of the heritage asset. Rather, preserving the openness and visual continuity of the southern elevation more closely reflects the building's historic character and agricultural origins.

It is acknowledged that both the approved scheme and the current proposal involve the introduction of glazing and other domestic interventions that would not historically have formed part of the agricultural building. However, those interventions were accepted through the earlier permission as being necessary to secure the building's viable conversion and long-term conservation. The principle of introducing modern elements to facilitate the retention of the heritage asset has therefore already been established.

The proposed amendments would maintain openness, rhythm and legibility of the six bays, by allowing the full height and width of the historic openings to remain visually legible. It would also allow the rounded columns, identified within the list description as a defining feature of the building, to remain fully visible whilst placing them within the building envelope, thereby providing additional protection from weathering and aiding their long-term conservation. In addition, the proposal would improve the usability of the internal accommodation without affecting the principal heritage attributes of the building.

On the other hand, the approved scheme introduces substantial areas of solid enclosure across an elevation that historically remained open and functioned as an open-fronted agricultural building. Whilst acceptable in principle, that approach partially interrupts the visual continuity of the bays and reduces the ability to appreciate the building's historic form as a simple open-sided cowshed. The proposed amendments would retain uninterrupted views across the frontage and preserve the visual relationship between the columns, bays and roof structure.

Historic England guidance relating to recessed infill and cart-door treatments carries less weight in the context of this building because the cowshed historically functioned as an open-sided structure and was not characterised by enclosed bays, large door arrangements or solid frontage treatments. Consequently, the introduction of significant solid infill can reasonably be regarded as a greater departure from the building's historic character than a carefully detailed glazed enclosure that preserves the openness of the elevation.

Further to the above, it is relevant to consider that there are limited views of this southern elevation from the public realm. The southern elevation of the former cowshed faces away from the public highway to the north. Furthermore, whilst Public Right of Way AKEY41 runs approximately 150 metres to the south-east of the site, views of the elevation are largely screened by intervening buildings, vegetation and landform. Site inspections have confirmed that the southern elevation is not readily visible from publicly accessible viewpoints. Consequently, the amendments would have little or no effect on the way in which the significance of the heritage asset is experienced by the public.

Having carefully considered the above, it is therefore concluded that the proposed amendments would preserve the significance of the designated heritage asset and result in a neutral impact. By comparison, the approved arrangement introduces a degree of less than substantial harm through the partial enclosure of historically open bays. The proposed amendments would enable the overall scheme to better reveal the defining open-fronted character of the former cowshed whilst continuing to secure the public benefits associated with its long-term conservation and viable use. But even if there was less than substantial harm caused by the proposed amendments identified, it would not outweigh the significant public benefit associated with its long-term conservation and securing the optimal use of the heritage asset.

It is considered both necessary and reasonable to impose additional planning conditions to ensure that the proposed amendments are undertaken and retained in a manner that preserves the significance of the heritage asset and maintains the acceptability of the development as assessed. In particular, conditions are recommended to prevent the application of obscure or opaque finishes to the approved glazing, thereby ensuring the continued appreciation of the open-fronted character of the former cowshed and the visibility of its defining architectural features. A further condition is recommended to secure the retention of the circular stone columns in their natural state by preventing their painting, staining or other surface treatment, thereby safeguarding their appearance, evidential value and contribution to the special character and significance of the heritage asset.

As such, the proposal is considered to accord with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the heritage objectives of Chapter 16 of the National Planning Policy Framework (December 2024, as amended February 2025), Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and Policy HCP1 of the Ashton Keynes Neighbourhood Plan.

Amenity

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

The proposed amendments would result in an increase in the internal amenity space available to future occupiers of the dwelling, providing a more spacious and functional living environment. This is considered to be a material benefit that would contribute positively to the wellbeing and overall quality of life of future residents. The proposal would also increase the amount of natural daylight entering the accommodation through the enlarged glazed area, thereby creating a brighter and more pleasant internal environment.

The proposal would not give rise to any additional overlooking, overshadowing or overbearing impacts when compared with the approved scheme. Whilst the extent of glazing would increase, the affected elevation faces the dwelling's own private amenity area, which is enclosed by brick boundary walls. The relationship between the dwelling and the surrounding development would remain unchanged. As such, the amendments are not considered to adversely affect the living conditions of neighbouring occupiers and that these would be in accordance with Core Policy 57 (point vii) and the relevant provisions of the NPPF.

Assessment of Conditions

When an LPA grants a S.73 planning permission it is in effect issuing a new planning permission that will sit alongside the extant/original permission. As such, whilst changes agreed by a S.73 approval may only relate to minor areas of a development, conditions and details relating to the wider scheme remain relevant.

In this case, there have been several previous S.73 applications granted to enable minor-material changes to the various plots (those other than Plot 2). As a result, it is pertinent for the LPA to copy all relevant conditions from the original permission and those of subsequent S.73 variations as they remain relevant to implementation of the overall development. The exception is the original time limit condition that is not carried over due to the development having commenced. To facilitate the proposed amendments as part of this S.73 application, condition 1 (approved plans) will be amended accordingly, and the two recommended conditions will be added to the list of conditions. These are considered reasonable and necessary, as detailed in the assessment above.

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 conditions is considered acceptable. The benefits of the proposal, including securing the long-term preservation and optimal use of an heritage asset, 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:

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Granary (Plot 2) Proposed Ground Floor Plan; March 2026 RFD/G 2018 03C; received 2 April 2026
 - Granary (Plot 2) Proposed First Floor Plan; March 2026 RFD/G 2018 04C; received 2 April 2026
 - Granary (Plot 2) Proposed Roof Plan; March 2026 RFD/G 2018 05D; received 2 April 2026
 - Granary (Plot 2) Proposed South Elevation; March 2026 RFD/G 2018 06E; received 2 April 2026
 - Granary (Plot 2) Proposed North Elevation; March 2026 RFD/G 2018 07D; received 2 April 2026
 - Granary (Plot 2) Proposed West Elevation + Section A-A; March 2026 RFD/G 2018 08E; received 2 April 2026
 - Conditions Details Sheet 2; 151120-151 Rev F; received 25 March 2026

In addition to the following plans approved under application reference PL/2025/01042:

- Farmhouse Proposed Site Plan; 29 Jan 2025 RFD/NB 2018 04E; Received 3 February 2025
- Farmhouse Proposed Ground Floor Plan; 30 Jan 2025 RFH/FH 2018 GA01C; Received 21 February 2025
- Farmhouse Proposed First Floor Plan; 30 Jan 2025 RFH/FH 2018 GA02A; Received 21 February 2025
- Farmhouse Proposed North and South Elevation; 30 Jan 2025 RFH/FH 2018 GA04A; Received 21 February 2025
- Farmhouse Proposed East and West Elevation; 30 Jan 2025 RFH/FH 2018 GA05A; Received 21 February 2025
- Materials Specifications; Received 11 April 2025.

In addition to the following plans approved under application reference PL/2024/09360:

- Proposed Boundary Wall Elevation; 5 Sept 2024 RFH/FH 2018 EW03; received 22 October 2024
- Proposed Boundary Wall; 5 Sept 2024 RFH/FH 2018 EW02; received 15 October 2024
- Design and Access Statement – 05/09/2024; received 15 October 2024

In addition to the following plans approved under application reference PL/2024/01252:

- Barn (Plot 3) Proposed Ground Floor Plan; October 2023 RFD/B 2018 03A; received 6 February 2024

- Barn (Plot 3) Proposed First Floor Plan; December 2020 RFD/B 2018 04A; received 6 February 2024
- Barn (Plot 3) Proposed Roof Plan; December 2020 RFD/B 2018 05A; received 6 February 2024
- Barn (Plot 3) Proposed South Elevation; December 2020 RFD/B 2018 06A; received 6 February 2024
- Barn (Plot 3) Proposed North Elevation; December 2020 RFD/B 2018 07; received 6 February 2024
- Barn (Plot 3) Proposed East and West Section Elevation; December 2020 RFD/B 2018 08A; 6 February 2024
- Barn (Plot 3) Proposed South Elevation; December 2020 RFD/B 2018 09; received 6 February 2024
- Conditions Details Sheet 3; 151120-152 Rev C; received 6 February 2024
- Conditions Details Sheet 4; 151120-153 Rev C; received 6 February 2024

In addition to the following plans approved under application reference PL/2021/04411:

- Flood risk assessment; 2750/FRA Version F2; received 28 April 2021
- Structural Report July 2021; SE-01-002; received 20 July 2021

In addition to the following plans approved under application reference PL/2021/04896:

- Materials Schedule Revision A; 16.01.2018 Rev A 28/01/2021; received 3 June 2021

In addition to the plans approved under application reference 20/06177/VAR:

- Plans – Plot 4 + 5; July 2020 RFD/NB 2018 05; received 23 July 2020
- Sectional East Elevation; July 2020 RFD/NB 2018 11; received 23 July 2020
- Section West Elevation; July 2020 RFD/NB 2018 08; received 23 July 2020
- North Elevation; July 2020 RFD/NB 2018 09; received 23 July 2020
- East Elevation; July 2020 RFD/NB 2018 06; received 23 July 2020
- South Elevation; July 2020 RFD/NB 2018 07; received 23 July 2020
- West Elevation; July 2020 RFD/NB 2018 10; received 23 July 2020

In addition to the following plans originally approved under application reference 14/03493/FUL:

- Amended Schedule of Work dated 07.01.2019

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

2. Development on plot 1 shall be carried out in accordance with the details of eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies which were approved in writing by the Local Planning Authority on 5th April 2018 and revised details which were approved in writing by the Local Planning Authority on the 7th and 31st January 2019.

REASON: For the avoidance of doubt and to ensure that the development is carried out in an appropriate manner.

3. The materials to be used for the external roofs on plot 2 shall be carried out in accordance with the details of the materials approved in writing by the Local Planning Authority on 11 April 2025.

REASON: For the avoidance of doubt and to ensure that the development is carried out in an appropriate manner, in the interests of preserving the character and appearance of the area.

4. No development above slab level on plot 3 shall commence until the exact details and samples of the materials to be used for the external roofs of plot 3 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5. Notwithstanding the approved drawings, no development on plots 4 and 5 shall commence above slab level until details of the following in respect of plots 4 and 5 have been submitted to and approved in writing by the Local Planning Authority:

(i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

(ii) Large scale details of proposed eaves and verges (1:5 section);

(iii) Details of the door entry systems, alarms and external lighting fittings;

The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the area.

6. No development above slab level on plots 4 or 5 shall commence until the exact details and samples of the materials to be used for the external roofs of plots 4 and 5 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that

the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

7. No development above slab level on plots 4 or 5 shall commence until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The sample panel shall show the external wall material used to construct the dwellings on plots 4 and 5. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

8. No works above slab level on plots 4 or 5 shall commence until details of all new or replacement rainwater goods to be affixed to plots 4 or 5 (which shall be of cast metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting listed building consent and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

9. No paint or stain finish shall be applied to external timber (including external walls and window joinery), until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

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

10. All railings, fences, gates, walls and other means of enclosure shall be provided prior to the first new dwelling being occupied in accordance with the details approved by the Local Planning Authority on 9th April 2018.

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

11. The natural stonework and or brick work as appropriate to be used externally on the proposed development shall match that of the existing building in terms of type, colour, size, dressing and bedding of stone, coursing, type of pointing and mortar mix.

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

12. The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

Reason: To prevent overlooking & loss of privacy to neighbouring property.

13. The two new dwellings and the barn to be converted hereby permitted shall not be first occupied until the first five metres of the eastern 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.

14. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

15. No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

16. 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 that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

17. All development shall be carried out in accordance with the ecological mitigation and enhancement measures set out in Section 4 of the submitted Extended Phase 1 Habitat Survey (ENIS, 2013, Ref: 569-01) and Section 4 of the submitted Bat Roost Survey Reports (ENIS, 2013, Ref.569-02 and ENIS, 1014, Ref: 569-04).

REASON: To safeguard ecological interests on the site.

18. Prior to the first occupation of one of the new residential units hereby permitted as part of this scheme and in accordance with the submitted FRA all proposed infiltration techniques must be confirmed by carrying out on site permeability testing to BRE Digest 365. These results to provide confirmation of the infiltration rate and the

groundwater level. All results must be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of ensuring proper surface run off drainage for the new development.

19. No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

20. Prior to the occupation of the first new build dwelling hereby permitted the refurbishment works to the listed farm house and barns shall be carried out in accordance with the submitted schedule of works.

REASON: To ensure that the refurbishment works are carried out to the Listed Buildings prior to the occupation of both the new build dwellings.

21. The approved works to the Farmhouse shall be completed to the satisfaction of the Local Planning Authority prior to the first occupation of Plots 3, 4 and 5 (identified on Drawing No. July 2020 RFD/NB 2018 04E) approved under the planning permission PL/2024/09360.

REASON: In the interest of ensuring the works to the listed building are carried out appropriately and prior to the occupation of the new units.

22. The circular stone columns on the southern elevation of the former cowshed, as shown on the drawing, Granary (Plot 2) – South Elevation (dwg no. March 2026 RFD/G 2018 06E) shall be retained and maintained as natural exposed stonework at all times. No paint, stain, render, coating or cladding or other surface treatment shall be applied to the columns unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of preserving the significance of the curtilage listed building.

23. The glazing of the former cowshed hereby approved as shown on the drawing, Granary (Plot 2) – South Elevation (dwg no. March 2026 RFD/G 2018 06E) shall at no time be fitted with, replaced by, or treated with obscured, opaque, tinted, mirrored or other non-transparent glazing unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of preserving the significance of the curtilage listed building.

INFORMATIVES:

Building Regulations

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.

