

Development Management, Economic Development and Planning,
County Hall, Bythesea Road, Trowbridge, BA14 8JN
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Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Development site approved by appeal (Ref: APP/Y3940/W/21/3285458), as amended under planning permission ref: PL/2024/09058.

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Applicant Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

BS20 0DH

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Residential development of 21 dwellings with associated infrastructure, landscaping and construction of new access onto Sutton Lane

Reference number

PL/2024/09058 (original application ref: 20/03487/FUL, approved under Appeal: APP/Y3940/W/21/3285458)

Date of decision (date must be pre-application submission)

17/04/2025

Please state the condition number(s) to which this application relates

Condition number(s)

13

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

12/05/2025

Has the development been completed?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

See supporting letter

If you wish the existing condition to be changed, please state how you wish the condition to be varied

See supporting letter

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
- ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
- ☐ The applicant
- ☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
- ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

29/07/2026

Details of the pre-application advice received

I understand that negotiations are underway with landowners and the local community in order to deliver an alternative scheme to address condition 13 to planning permission 20/03487/FUL, which requires the delivery of new footway from the site along Sutton Lane. I further understand that the precise details of the alternative scheme are in the process of being agreed with the Council as the Highway Authority as part of the required s278 agreement (of The Highways Act 1980 as amended)), and I have been provided with email exchanges which suggest a final scheme is nearing agreement.

Condition 13 to the planning permission requires the new footway to be provided prior to the first occupation of the development, with the details of such being agreed beforehand. Accordingly, and although a scheme has already been agreed under discharge of condition application PL/2023/05353, if an alternative scheme is now required, it will need to be agreed and implemented prior to the first occupation of the development for the condition to be addressed and any commencement of development to be lawful.

Whilst no dates for submission of the new details or the implementation of the footway have yet been provided in relation to the expected occupation of the development, the Local Planning Authority is aware of those active discussions between Hills Homes Developments Ltd with the Council as the Highway Authority over the acceptability and deliverability of the scheme. So long as there remains active attempts to address the requirements of the condition, it remains unlikely that the Council as the Local Planning Authority will seek to take enforcement action in the event of a temporary breach.

Please be aware that the condition appears to go to the heart of the acceptability of the development and, until such time as alternative wording is agreed through an application under s73 of the Town and Country Planning Act 1990 (as amended), any occupation of the development in advance of an agreed footway being provided will constitute a breach of the planning permission. Any work undertaken in such an instance is at the risk of the applicant.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

E.g. All the land is owned by a single individual

- ☐ Yes
☒ No

Is the land owned by multiple individuals, or has agricultural tenants where the details of all individuals are known by the Applicant?

E.g. The land is owned by 2 people and the applicant can provide details of those owners.

- ☒ Yes
☐ No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- ☒ I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
☐ The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

County Hall

Number:

Suffix:

Address line 1:

Bythesea Road

Address Line 2:

Town/City:

Trowbridge

Postcode:

BA13 8JN

Date notice served (DD/MM/YYYY):

14/08/2026

Person Family Name:

Person Role

- ☐ The Applicant
☒ The Agent

Title

Mr

First Name

Andy

Surname

Shepley

Declaration Date

14/08/2026

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Andy Shepley

Date

14/08/2026