

APPLICATION FOR REMOVAL/VARIATION OF CONDITION OFFICER DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/03757
APPLICATION TYPE:	Removal/variation of condition (Section 73)
SITE ADDRESS:	Parkside Farm House, Braydon, Swindon, SN5 0AQ
DESCRIPTION:	Variation of Condition 2 (Approved Plans) of PL/2025/07609
RECOMMENDATION:	APPROVE WITH CONDITIONS

PROPOSAL

Minor amendments and corrections were made to the plans during the lifetime of the application; due to the nature and scale of the changes, it was not necessary to re-publicise the application.

The application is made under S73 of the Town and Country Planning Act 1990 to seek planning permission for the development consisting of and described as “Proposed extensions and internal alterations” without compliance with Condition 2 subject to which planning permission was previously granted under reference PL/2025/07609.

Condition 2 required that the development be carried out in accordance with approved plans. This application is accompanied by a different set of plans with which it is sought to vary the requirements of the condition to allow the development to be carried out in accordance with the proposed plans.

The development includes a double-gabled two-storey rear extension not materially different from that in the approved development; it would measure approx. 9.3m wide, 6.3m deep, 4.55m eaves and 6.55m ridge. The development also includes a two-storey gabled roof extension to north side of the other extension; it would measure approx. 3.2m wide, 3.6m deep, 4.55m eaves and 5.85m ridge.

The main difference between this proposal and the approved scheme is that the approved single-storey extension is now two-storey with gabled roof.

SITE DESCRIPTION

The application site is a two-storey detached dwelling known as Parkside Farm Cottage. It has walls of natural rubblestone to principal elevation, then render and reconstituted stone to other elevations, red brick details, a gabled stone tile roof, and black and white uPVC fenestration. It enjoys front and rear amenity areas, with vehicular access to the west and north (shared with campsite of same name). Its

setting is characterised by its bucolic landscape surroundings. It is in open countryside of Purton Parish. There are no land-use designations or constraints relevant to the proposed development.

PLANNING HISTORY

PL/2025/07609 - Proposed extensions and internal alterations (APPROVED WITH CONDITIONS 06/11/2026).

ENQ/2025/01308 - Rear extensions (revision to withdrawn application PL/2025/04486) (PRE-APPLICATION RESPONSE 29/08/2025)

PL/2025/04486 - Proposed extensions and internal alterations (WITHDRAWN).

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy (WCS):

- Core Policy 51: Landscape (CP51)
- Core Policy 57 Ensuring High Quality Design and Place Shaping (CP57)
- Core Policy 61: Transport and new development (CP61)
- Core Policy 62: Development Impacts on the Transport Network (CP62)
- Core Policy 64: Demand Management (CP64)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

Purton Neighbourhood Plan – Made June 2026 (PNP):

- Policy PUR9: Design Principles

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

CONSULTATION RESPONSES

The following consultees and interested parties were invited to comment on the application:

Purton Parish Council – No objection (14/07/2026).

Wiltshire Council's Highways Team – No objection (14/07/2026).

REPRESENTATIONS

Immediate neighbouring dwellings were notified of the application, and a site notice was displayed on 28 July 2026. No letters of representation were made by members of the public.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications be made in accordance with the development plan unless material considerations indicate otherwise.

Preliminary matters

As established by the *Finney* case¹, the scope of an application made under S73 is constrained by the description of the development of the planning permission the conditions of which it is sought to remove or vary. No condition may be varied or removed in a way which alters the scope of the original permission.

Having regard to the proposed changes to the development, the Local Planning Authority (LPA) can be satisfied that varying Condition 2 to allow the development to be carried out in accordance with the proposed plans would not alter the scope of the underlying planning permission.

Design and local character and appearance

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires all new development, including extensions and alterations to existing buildings, to meet a high standard of design by, among other things, ensuring a positive response to the features of the site itself and its landscape or townscape setting.

Policy PUR9 of the Purton Neighbourhood Plan (PNP) requires development proposals inside or outside of the settlement boundary to respond to valued characteristics of the area, as defined in the policy, and national and local design guidance.

Appendix D of the Wiltshire Design Guide (WDG) supports the delivery of CP57 and expects, among other things, that a well-designed householder development should

¹ *Finney v Welsh Ministers* [2019] EWCA Civ 1868

be carefully considered to respect the original building and the neighbouring properties to fit into the general street scene. Designs should not dominate the existing building, instead appearing as a subservient, supporting addition, while they may replicate the style, form, rhythm, materials and architectural detailing of the original house or contrast with a modern or traditional aesthetic.

The permitted scheme included a double gabled two-storey rear extension with a smaller single-storey and flat-roofed extension at one end, together with internal alterations.

The proposed double gabled two-storey rear extension would not be materially different from the approved scheme and remains acceptable.

Instead of the approved single-storey flat-roofed extension, a two-storey gabled extension is proposed in its place. This would not project as deep as the other two-storey extensions, nor is it as wide. Because of this, it would appear a subservient and proportionate response both in itself and as part of the development as a whole. Furthermore, it positively references the gabled forms and rhythm of the rear elevation.

Although the description describes internal alterations, these would not affect the external appearance of the building.

The submitted plans do not state the materials that would be used, while the approved scheme showed these would match those in the existing building. Matching materials were secured by condition, including the application form of the original permission, and there is no reason such matters cannot or should not be similarly controlled.

Varying Condition 2 to allow the development to be carried out in accordance with the submitted plans would not harm the character or appearance of the dwellinghouse or surrounding area. Therefore, subject to conditions to control delivery of the design to an acceptable standard, it would still satisfy the expectations of adopted design guidance and the requirements of Policy PUR9 of the PNP and CP57 of the WCS.

The development plan remains broadly aligned with the national guidance at DP3 and 4 of the NPPF, in so far as it relates to achieving well-designed places and assessing design quality, which would not therefore lead to different conclusion.

Residential amenity

Core Policy 57 (vii) of the WCS seeks to ensure that the design of new development has regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and that appropriate levels of amenity are achievable within the development itself.

Appendix D of the WDG supports the delivery of CP57 and expects a well-designed householder development to respect neighbouring properties by not being unduly overbearing or unduly obtrusive and not directly overlook neighbouring properties in terms of window design and placement.

DP3 and 4 of the NPPF sets out key principles for achieving well-designed places, including considering the liveability of developments and compliance with development plan design policies and guidance. P3 of the NPPF advises developments should be appropriate for their location, taking into account the likely effects (including cumulative effects) on living conditions. The development plan broadly aligns with this guidance.

The closest neighbouring dwelling to the application site is Parkside Cottage, although a campsite is noted immediately north of the application site and understood to be operated by the applicant's family. No letters of representation were made by members of the public.

Although the development would add to the massing and bulk of the dwellinghouse, and would introduce additional first-floor openings, it would maintain the present considerable separation and intervening boundary features that would ensure the living conditions of neighbours would be safeguarded.

The floor plans no longer identify the room uses. However, the additional room created, when compared to the approved scheme, is understood to provide a study space. In any case, the development would provide acceptable living conditions for occupants of the dwellinghouse.

Varying Condition 2 to allow the development to be carried out in accordance with the submitted plans would not harm the living conditions enjoyed by occupants of the site itself or neighbouring land, particularly in terms of privacy, outlook, and overshadowing. Furthermore, it would satisfy the expectations of adopted design guidance and the aims of CP57 (vii) of the WCS.

The development plan remains broadly aligned with the national guidance at DP3 and 4 and P3 of the NPPF, in so far as they are relevant to design and living conditions, which would not therefore lead to different conclusion.

Highway matters

The submitted plans do not confirm the use of rooms, but it was previously confirmed that the existing dwellinghouse has in excess of four bedrooms. The site benefits from sufficient space within its curtilage to accommodate parked vehicles in accordance with adopted parking standards, and the development would not materially affect this.

Varying Condition 2 would not result in a form of development that would cause severe or unacceptable harm to highway safety. It would not conflict with CP57 (xiv), CP61, CP62 or CP64 of the WCS.

The development plan remains broadly aligned with the national guidance at TR3, 4 and 6 of the NPPF, in so far as they are relevant, which would not therefore lead to different conclusion.

Biodiversity Net Gain (BNG)

The development is exempt from the requirement to deliver 10% BNG, introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), and the decision notice shall include the relevant informative note.

Other matters

The internal layout would be altered and, although the dwellinghouse unusually provides facilities suggestive of subdivision, the dwellinghouse is understood to form a single residential unit. Furthermore, the layout retains an internal connection demonstrating it would function as a single dwellinghouse.

PLANNING BALANCE AND CONCLUSION

Varying Condition 2 to allow the development to be carried out in accordance with the proposed plans would ensure the development continues to have acceptable effects in respect of matters of acknowledged importance to the public interest. Furthermore, it would not conflict with the development plan, and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. The statutory requirements have therefore been fulfilled, and the application should be supported.

S73 cannot extend the commencement period of the original permission. Therefore, the commencement condition has been varied for the avoidance of doubt and to ensure the development is commenced before the expiry of the original permission.

RECOMMENDATION

That the application to vary Condition 2 of PL/2025/07609 be APPROVED and planning permission be GRANTED subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of 6 November 2028.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Application Form (PL/2025/07609). Materials. Received 19 September 2025.

Proposed Elevations. 25 108 4 Rev E. Received 17 August 2026.

Proposed Floor Plan. 25 108 5 Rev F. Received 20 August 2026.

Block and Location Plan. 25 108 1 Rev B. Received 20 August 2026.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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