

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/03780
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Hillside, Quarry Hill, Box, Corsham, SN13 8LP
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (Approved Plans) relating to application PL/2026/01871
RECOMMENDATION:	Approve with Conditions

PROPOSAL

This report considers a Section 73 application for the variation of conditions imposed on planning permission PL/2026/01871. The application relates to the site at Hillside, Quarry Hill in Box and seeks to vary condition 2 in relation to the approved plans, to alter the dimensions and outshot of the first floor rear extension to bring the extension marginally forward from its existing recessed position to enable the rear wall to directly align with the ground floor rear wall below.

The extracts below demonstrate the approved elevations under PL/2026/01871, together with the proposed elevations subject to this application:



As-Approved Front, Rear and Side Elevations (extension denoted by red arrow)



Proposed Front, Rear and Side Elevations

SITE DESCRIPTION/CONTEXT

The site known as Hillside is a large detached two storey dwelling house located in a semirural location in Box on an incline gradient along Quarry Hill. The property is situated on the outskirts of an established residential area, on the edge of a linear arrangement of properties fronting Quarry Hill, with the location set within both the Cotswolds National Landscape and the Western Wiltshire Green Belt. The main dwelling is set back from the main road with a generous frontage and views to open countryside and Box Tunnel to the rear, enclosed to the front by a low stone wall and established planting and landscaping to the front boundary. The main building is double fronted with a centrally positioned pitched roof porch, with a single storey lean-to extension and first storey addition visible on the front façade, whilst the rear built form also features a two storey rear gable. Previous applications have extended and altered the property over time, including a ground floor rear extension with hipped roof. The building is constructed from natural stone and render with blue black slate roof and painted timber windows. The surrounding area is semi-rural, with a mixture of semi-detached and detached properties within the vicinity, constructed from a variety of materials including natural stone and timber.



RELEVANT PLANNING HISTORY

Proposal / Summary

N/04/02912/FUL - Full planning permission Decision - Refused Date: 1/12/2004 –
CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN AND ERECTION OF
RAISED PATIO DECKING

14/08834/FUL - Full planning permission Decision - Withdrawn Date: 10/11/2014 – Rear/Side Extension & Front Extension

N/98/01106/FUL - Full planning permission Decision - Approve with Conditions Date: 20/7/1998 – EXTENSIONS AND ALTERATIONS TO DWELLING

14/06093/PREAPP - Pre-Application enquiry Decision - Pre-App Response Date: 1/8/2014 – Proposed rear two storey extension , first floor extensions to side and front two storey extension.

15/03916/FUL - Full planning permission Decision - Refused Date: 19/6/2015 – Proposed side/rear extensions and formation of new vehicular access (Resubmission of 14/08834/FUL)

15/07627/FUL - Full planning permission Decision - Approve with Conditions Date: 22/9/2015 – Proposed Single Storey Rear Extension (Amendment to Application Reference 15/03916/FUL)

ENQ/2025/00605 - Pre-Application enquiry Decision - Pre-App Response Date: 1/7/2025 – Small (approximately 5-8 square metres) extension to first floor main bedroom above dining area. To minimise any over-development of the site we propose that the sloping ground floor roof be replaced with a flat roof in order to eliminate/ minimise volume

N/84/00781/F - Historic apps 1974 to 1983 Decision - Approve Date: 2/7/1984 – Construction of driveway and vehicular access

PL/2026/01871 – Full planning permission Decision – Approve with Conditions Date: 12/05/2026

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.

When determining a Section 73 application, the Local Planning Authority must consider the development plan and all other material considerations at the time of determination. This includes considering whether any changes in planning policy, guidance, site circumstances, consultation responses or technical evidence affect the acceptability of the development as amended.

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 11: Spatial Strategy for Corsham Community Area
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape

Box Neighbourhood Plan: Designated

Supplementary Planning Documents and other Guidance:

- Cotswolds National Landscape Management Plan
 - Policy CE1: Landscape
 - Policy CE4: Local Distinctiveness
 - Policy CE5: Dark Skies
- Wiltshire Design Guide (adopted April 2024)
- Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire

The National Planning Policy Framework:

- Policy DP3: Key Principles for Well-Designed Places
- Policy DP4: The Design Process
- Policy GB6: Control of Development in the Green Belt
- Policy GB7: Development which is Not Appropriate in the Green Belt
- Policy P3: Living Conditions and Pollution
- Policy L2(d)(ii): Making Effective use of Land

ISSUES

The key considerations in the assessment of this application are as follows:

- Determining whether the proposed amendment constitutes 'inappropriate development' within the Western Wiltshire Green Belt
- 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

The views of consultees are material considerations in the determination of the application. However, the decision-maker must exercise their own planning judgement. Where consultees raise concerns or recommend conditions, these have been considered and are addressed within the assessment section of this report.

Box Parish Council: No objection

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted; however no representations were received.

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.

Do the proposed amendments constitute 'inappropriate development' within the West Wiltshire Green Belt?

Under the previous permission PL/2026/01871, a robust assessment was carried out as to whether the previously approved scheme constituted inappropriate development within the Western Wiltshire Green Belt. The planning history of the application site was reviewed, and it was concluded that the proposal was not considered to result in inappropriate development by virtue of the proposed built form and massing in comparison to the existing built form.

Whilst the previous assessment was carried out in relation to paragraph 154(c) of the NPPF, it is noted that the updated version of the NPPF was launched in August 2026 and Green Belt policy is now detailed in Section 13, where specifically policy GB6 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances whilst policy GB7 details the categories of development which are not inappropriate in the Green Belt.

Overall, it remains clear that the proposed extension to the existing rear first floor extension would not result in a demonstrable increase in built form. A marginal increase in footprint is proposed and whilst increasing the overall bulk and massing of the building, is not considered to cause harm over the approved. Given the context of its location, the proposal is considered proportionate to the original built form and would enable the fundamental aim of preserving the openness of the Green Belt. Therefore, the proposal is not considered to constitute inappropriate development in the Western Wiltshire Green Belt.

Principle of the Development – Do the proposed amendments fall within the scope of s73?

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.

Whilst the proposed amendment forms the basis of this application, the Local Planning Authority must consider the acceptability of the development as amended and the planning impacts arising from the scheme as a whole.

Changes in Circumstances - Has anything changed since the original permission?

Since the grant of planning permission PL/2026/01871, consideration has been given to:

- Updates to national policy;
- Consultation responses;

It is concluded that these changes do not materially affect the acceptability of the amended development. The updated NPPF was launched in August 2026 and therefore consideration is required in relation to the policies and guidance within the revised document.

Compliance with the Development Plan - Is the development as amended still acceptable?

Whilst no site visit has been conducted to the application site to assess this proposal, the Case Officer determined the previous proposal and has a clear understanding of the application site. In addition, sufficient information has been submitted within this application to enable a thorough assessment of the proposal.

The application seeks permission to vary condition 2 of PL/2026/01871, which granted consent for the widening of the rear first floor extension to improve room layout and the removal of hipped/lean to roof areas to south-west and north-west elevations above the single storey addition. This application seeks to provide a modest extension to the rear first floor extension, as currently it occupies a slightly recessed position in comparison to the ground floor level below. The Planning Statement confirms that the justification for this amendment arises from both structural and construction considerations and that by extending the first floor element to be positioned directly above and aligning with the ground floor wall below, it would enable the upper section to have increased structural support from the steel support below to provide a more robust structure.

Whilst proposing to marginally extend the first floor rear extension, the submitted plans confirm that it is not proposed to alter the ridge or eaves height, the roof form, the external materials, the window designs and proportions or the general design and form of the extension. In terms of scale and design, the proposed extension is limited in built form and mass and would not give rise to any unacceptable visual impact to the main dwelling and its plot, and would still remain broadly concealed from view given its position on the rear façade. The resulting

appearance is not considered unsympathetic or incongruous, nor is it considered to appear out of keeping within the context of the site. The extension would still remain proportionate to the main building, with the overall proportions remaining broadly similar to the previous approval under PL/2026/01871, helping to preserve and maintain the established character of the building. The extension would be finished in matching materials to the main dwelling and remain consistent with the previous approval.

Box Parish Council have not objected to the application and therefore collectively, by reason of the scale, design, positioning and proposed materials, the proposed works are considered acceptable and would not result in unacceptable visual impact. The proposed works would integrate within the plot and wider surrounding area and would not give rise to an incongruous or inappropriate form development within this location.

Given the application site being located within the Cotswolds National Landscape, assessment is required on any potential impact that the proposal may have on this landscape designation. The works are focused on the rear of the building and whilst the building is located in a semi-rural setting with wide reaching views across the National Landscape, the proposed alterations are not considered to result in unacceptable visual harm to the qualities, scenic beauty or special character of the area. It is considered that the proposed built form would help to conserve the visual appearance and integrity of the designated landscape setting.

In addition, the impact of the development on residential amenity has already been assessed in the Case Officer Report for PL/2026/01871, when the original scheme was considered. It was concluded that the previously approved scheme would not have resulted in unacceptable impact on the residential amenity of the neighbouring occupiers in 'Grason' (to the SW) or 'West View' (to the NE) given its limited scale, the positioning of the proposed works on the main dwelling and the existing separation distances to the application site. Given the modest increase proposed to the first floor rear extension subject to this application, it is still considered that the proposed works would not result in unacceptable impact on neighbouring occupiers, given that the works would not diminish the existing separation distances, would not introduce additional fenestration to increase or exacerbate overlooking and would not result in overshadowing or a sense of enclosure.

Lastly, the site falls within a Core Area of the Bath and BOA Bat SAC and the proposal, by virtue of being development impacting the roof of the building, may be considered to potentially impact upon a Sensitive Feature as defined by section 3.1 and 4.1 of the guidance i.e. potential roost in the building. The development relates to modestly extending the first floor rear extension and does not involve the removal of mature vegetation, trees, hedgerows or other landscape features that typically provide key foraging or commuting habitat for SAC bat populations and the wider foraging resource and established commuting corridors within the surrounding landscape will remain unaffected. There is no evidence of roosting potential within the parts of the building affected by the works, and no structural features suitable for bats will be disturbed, destroyed, or modified as part of the proposal.

Therefore collectively, it is considered that the proposed works comply with WCS Core Policies 50, 51 and 57, policies CE1, CE4 and CE6 of the Cotswolds National Landscape Management Plan, the Wiltshire Design Guide, the relevant provisions within the NPPF, the Bat Special

Areas of Conservation (SAC) Planning Guidance for Wiltshire (September 2015) and relevant legislative duties

Assessment of Conditions

The application seeks to vary condition 2 of PL/2026/01871 to allow for revised plans to alter the built form of the approved rear extension. No other conditions are affected by this proposed variation, and the proposal is considered acceptable.

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 condition 2 is considered acceptable. 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 begun before the expiration of three years from the date of this permission.

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:

445/RJM/2025/3 – Location Plan, Existing and Proposed Layout Plan received 15.06.26

445/RJM/2025/3 B – Proposed Elevations and First Floor Plan received 15.06.26

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