

APPLICATION FOR VARIATION/REMOVAL OF CONDITION

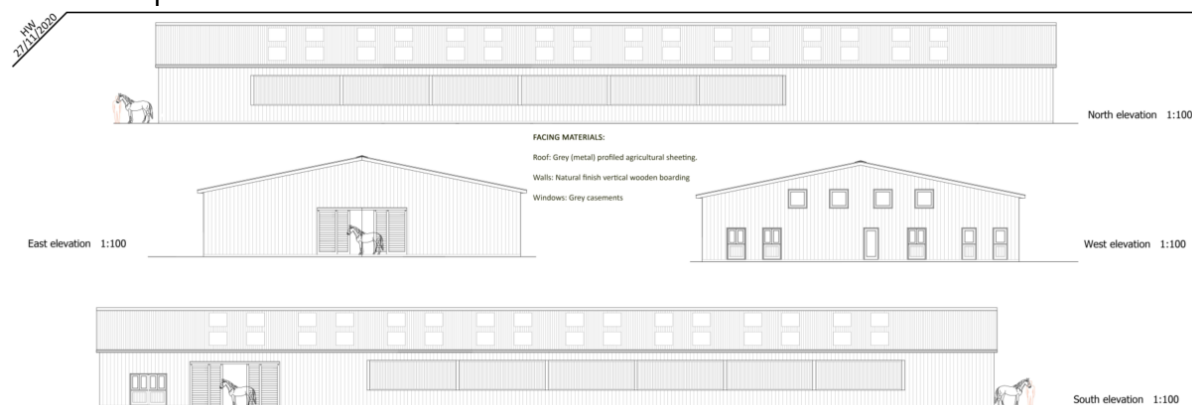
CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01724
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Poulton Mill, Poulton Hill, Marlborough, SN8 2LN
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (Approved Plans) relating to application PL/2021/04663 - To regularise several changes in the design of the equine building.
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application development area comprises a mixed equestrian facility building which was approved as part of a wider proposal under PL/2021/04663 located to the south of the site. The building is located on a site comprising approximately 3.25ha of mixed-use land directly to the north-east of the market town of Marlborough. The south-western intervening boundary of the site is shared with a row of domestic properties that form the urban edge of Marlborough (mostly those located at Tin Pit). Open countryside extends to the north and east. The River Og bisects the site towards the southern half.

PL/2021/04663 application area includes a Scheduled Ancient Monument - the Dam of King's Fishpond; Historic England (HE) list entry no. 1005644. The dam forms an earthwork at the northern tip of the site area. The official list states that the dam survives w



ell and is particularly important because it has both early and royal documentary evidence relating to it. There is also a Grade II* listed dwelling (known as Poulton House) approximately 60 metres to the north-east of the site.

The approved and implemented vehicular access is from the public highway at Poulton Hill. The drive runs from the road directly past the parking area and equestrian facility (subject of this application), connects to the existing outdoor menage to the centre-west of the site, the stabling to the north and to a side track leading to Poulton Mill.

PROPOSAL

This report considers a Section 73 application for the variation of condition(s) imposed on planning permission PL/2021/04663. The application relates to the site at Poulton Mill, Poulton Hill, Marlborough, SN8 2LN and seeks to vary Condition 2 (Approved Plans) to regularise several changes to the design of the equine building.

The approved scheme permitted in relation to the equestrian facility building:

- Stabling;
- Feed storage;
- Machinery storage;
- General storage; and
- An indoor exercise area.
- Measure approximately 50m by 20m.
- Eaves height of 3.9m and a ridge height of 6.9m.
- Excavated into the existing slope to create a level building platform and parking area, with ground levels reduced by up to approximately 1.8m at the highest (northern) point.
- Enclosed floor area of approximately 971 m².

External Finishes

- Feature cedar-clad walls, with the barn incorporating a brick plinth.
- Roof would be finished with grey profiled metal sheeting.
- Timber would be used for doors, windows and other joinery.
- Rooflights within the barn would comprise translucent panels with low outward light transmittance x 20.

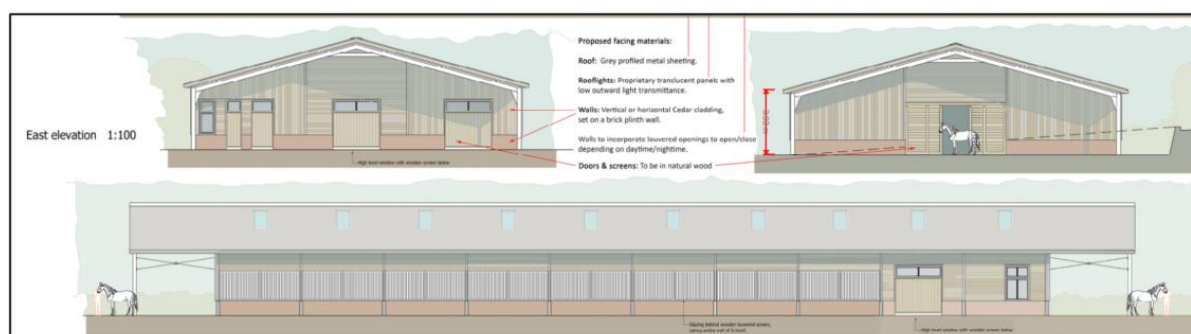


Figure 4: Barn elevations.

The current proposal seeks amendments to the Equestrian Facility Building:

- Enclosing two previously open-sided bays with timber-clad walls, increasing the overall enclosed floor space of the building from 971 m² to 1,245 m².
- Much of the approved brick plinth replaced with horizontal timber cladding,
- Alterations to the internal clinic layout.
- Alterations to the size and position of doors and windows to serve office and clinical accommodation.
- Increase in translucent roof panels

The principal changes comprise:

- Impact of the material finish changes on the character of the area

- Impact of the additional translucent roof panels on the local environment and living conditions

Notwithstanding these changes, the building's location, footprint, height and overall volume would remain unchanged from that originally approved. The proposal does not seek to alter the approved access or any other part of the development within this application.

RELEVANT PLANNING HISTORY

Planning Reference	Proposal / Summary	Decision
PL/2021/04663	Change of Use from Agricultural to Equine Clinic with associated buildings, access and landscaping improvements.	Approve with Conditions (28/02/2024)
K/58630/F	Retention of stable block and associated hardstanding	<i>Approve with conditions (11/06/2008)</i>
K/59425/F	Retention of manege and gazebo	Approved with conditions (03/11/2008)
K/51181/F	Erection of roof over decking area	Approved with Conditions (16/12/2004)
K/39547	Relocate conservatory, erection of single storey extension comprising of bathroom, dressing room and log store	Approved with conditions (26/07/2000)

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.

Section 85 of the Countryside and Rights of Way Act 2000 (as amended by Section 245 of the Levelling Up and Regeneration Act 2023)

North Wessex Downs National Landscape Management Plan 2025–2030

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 1 Settlement Strategy;

- Core Policy 2 Delivery Strategy;
- Core Policy 14 Spatial Strategy Marlborough Community Area Community Area
- Core Policy 34 Additional Employment Land
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- 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;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 64 Demand Management

Draft Wiltshire Local Plan Policies

At Full Council on 19 May 2026, the elected members of Wiltshire Council agreed to withdraw the emerging Wiltshire Local Plan. The said Plan has no material weight for the purposes of the application.

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2026, on 30th June 2026 Wiltshire Council published a notice of intention to prepare a new local plan for Wiltshire. The next stage is a Scoping Consultation which commences on 2nd September 2026. This plan is at a very early stage and currently carries no weight for decision making.

Neighbourhood Plan:

Marlborough Area Neighbourhood Plan (MANP) – made in March 2023.

- MARL14 – Protecting Local Heritage Assets;
- MARL15 – Protecting and Improving Green Infrastructure;
- MARL17 – Conserving the Scenic Beauty of the AONB;
- MARL18 – Achieving Dark Skies.

Supplementary Planning Documents:

- Wiltshire Design Guide (adopted April 2024)

ISSUES

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

- Determining whether the proposed amendments fall within the scope of Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to an existing planning permission.
- Assessing whether the development, as amended, remains in accordance with the relevant policies and provisions of the development plan, and whether the changes materially alter the nature or impacts of the approved scheme.

CONSULTATION RESPONSES

In accordance with Planning Practice Guidance (Paragraph: 013 Reference ID: 17a-013-20230726), there is no statutory requirement to undertake consultation or publicity in respect of a Section 73 application. However, the Local Planning Authority retains discretion to consult where it considers the scale or nature of the proposed amendments warrants such engagement. In this instance, given the nature of the proposed amendments and the sensitive characteristics of the site, the application was publicised and interested parties were afforded the opportunity to comment.

No new site constraints have emerged since the grant of planning permission PL/2021/04663. Given the limited nature of the amendments, no updated technical evidence has been submitted or deemed necessary. The proposal relates solely to alterations to the approved equine facility building and does not alter the approved use, site layout, access arrangements, scale, footprint, drainage, flood mitigation, ecological mitigation, landscaping or heritage management measures. Officers are therefore satisfied that the amendments do not give rise to any new or materially different impacts requiring further assessment, and the conclusions of the original permission remain unchanged.

In relation to heritage matters, officers have had regard to the comments of Historic England on planning permission PL/2021/04663, where it was accepted that any harm to the setting of the Dam of King's Fishpond Scheduled Monument was outweighed by the improved management and monitoring of the asset. The current application relates solely to design amendments to the approved equine facility building and does not alter its location, scale, siting or relationship with the heritage assets. Nor does it affect the wider site layout or approved management arrangements. Accordingly, the heritage conclusions reached under planning permission PL/2021/04663 remain unchanged.

Parish/Town Council: Objects for the following reasons;

- Harm to dark skies.
- Potential environmental impacts on the River Og.
- Disturbance to wildlife and biodiversity.
- Traffic and highway concerns.
- Adverse impacts on nearby residents.
- Harm to the landscape and scenic qualities of the National Landscape (AONB).
- The development is considered unsuitable and undesirable in this location.
- The works undertaken and proposed amendments reinforce the Parish Council's original concerns.

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; 20/03/2026
- A site notice displayed near the site; 30/03/2026
- An advertisement placed in the local press on 16/04/2026

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

No.9 public representations were received in objection to this application. 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.

As this application has been submitted under Section 73, consideration is limited to the proposed amendments to the approved scheme, namely the impact of the revised external materials on the character and appearance of the area and the impact of the additional translucent roof panels, including any associated light spill, on the local environment and neighbouring amenity.

Matters relating to the wider approved development, compliance with planning conditions, or other issues outside the scope of the proposed amendments cannot be considered as part of the determination of this application. Non-material considerations, including property values and private legal matters, are not relevant to the planning assessment.

Landscape and Amenity Impact

- Harm to the landscape and scenic qualities of the National Landscape (formerly AONB).
- Visual impact of buildings and structures across the wider site.
- Harm to dark skies from increased light spill.
- Amenity impacts from light spill
- Concerns regarding the overall scale and operation of the business.
- Concerns that the amendments and works undertaken to date reinforce previous objections to the suitability of the development in this location.

Ecology and Environmental Impact

- Environmental impacts on the River Og and associated chalk stream.
- Impacts on wildlife and biodiversity.
- Concerns regarding manure storage and pollution controls.

Highway and Transport

- Traffic generation and highway safety concerns.

Planning Compliance and Enforcement

- Concerns regarding unauthorised changes to stable buildings, construction compounds, parking areas and welfare facilities.
- Concerns that the site is operating beyond the approved Equine Orthopaedic Clinic use.

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?

The proposed amendments have been reviewed and are considered to fall within the scope of Section 73 of the Town and Country Planning Act 1990. The changes do not result in a fundamentally different development from that originally approved, nor do they seek to alter the description of development or extend the time limit for implementation. As such, the application is valid under Section 73 and can be determined as a variation of condition attached to the original planning permission.

The current proposal seeks amendments to the Equestrian Facility Building:

- Enclosing two previously open-sided bays with timber-clad walls, increasing the overall enclosed floor space of the building from 971 m² to 1,245 m².
- Much of the approved brick plinth replaced with horizontal timber cladding,
- Alterations to the internal clinic layout.
- Alterations to the size and position of doors and windows to serve office and clinical accommodation.
- Increase in translucent roof panels

The application has been carefully considered as to whether these amendments would alter the nature or scale of the approved development. The development remains a commercial equestrian therapy site. The overall cumulative effect of all proposed changes would result in a development that is fundamentally the same as those previously approved. The amendments are therefore capable of being considered under Section 73.

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

Since the grant of planning permission PL/2021/04663, consideration has been given to

- changes in development plan policy;
- updates to national policy;
- changes to site circumstances;
- updated technical evidence;
- consultation responses;
- whether the proposed amendment alters the conclusions of any previous Habitats Regulations Assessment or Appropriate Assessment and whether a further assessment is required; and
- where relevant, whether the proposed amendment affects approved Biodiversity Net Gain calculations, habitat delivery proposals or monitoring arrangements.

- ***Changes in development plan policy? Is the proposal compliant with the development plan?***

The proposed development represents a modification to planning permission PL/2021/04663, which established the principle of the equine clinic building and associated equestrian facilities, associated works and access at this location. The principle of development therefore does not fall to be reconsidered through this Section 73 application.

Since the grant of planning permission, there have been no changes to the adopted Development Plan that would materially alter the assessment of the proposed amendments. Whilst the emerging Wiltshire Local Plan was withdrawn by Full Council on 19 May 2026 and a new Local Plan process commenced on 30 June 2026, neither carries weight in the determination of this application. Accordingly, the proposal has been assessed against the adopted Wiltshire Core Strategy and other material considerations.

The principle of the development therefore remains acceptable. The key consideration is whether the proposed amendments to the approved plans and supporting technical documents give rise to any unacceptable visual, environmental or amenity impacts. In this respect, the proposed amendments have been assessed against Core Policies 51 and 57 of the Wiltshire Core Strategy, having particular regard to the site's location within the North Wessex Downs National Landscape.

The North Wessex Downs National Landscape Management Plan 2025–2030 provides the strategic framework for conserving and enhancing the special qualities of this nationally protected landscape. Dark skies form an important part of these special qualities, contributing to the area's sense of tranquillity, remoteness and natural beauty.

Most proposed amendments relate to changes in materials and detailing, including replacing sections of the approved brick plinth with horizontal timber cladding, altering the size and position of doors and windows, revising the internal clinic layout, and enclosing two previously approved open-sided bays. Whilst enclosing these bays increases the amount of enclosed floor space within the building, the bays already formed part of the approved building envelope and have previously been assessed in terms of their footprint, scale, height, massing, and visual impact. The amendments do not increase the footprint, height, bulk or overall volume of the building, nor do they alter the approved use or operational capacity of the Equine Orthopaedic Clinic. The enclosure of these areas is therefore considered to represent a design amendment to the approved building rather than a materially different form of development.

In response to concerns raised in representations regarding the construction compound and associated temporary facilities, officers note that these formed part of the approved Construction Environmental Management Plan (CEMP) required by Condition 9 and approved under application PL/2024/09534. The Local Planning Authority previously considered the provision and location of the compound acceptable, and they are not subject to amendment through the current Section 73 application.

Taken as a whole, these changes do not alter the fundamental function of the building, and are considered consistent with the character and appearance of the approved equestrian facility. The increased use of timber cladding reinforces the agricultural and equestrian

character of the structure and would not result in any additional landscape, visual or heritage harm beyond that already accepted through the extant planning permission.

The principal issue arising from the proposed amendments relates to the increase in translucent roof panels from 20 to 64 and the potential for increased light spill. Officers note that translucent roof panels formed part of the originally approved scheme and the principle of utilising natural daylight within the building was previously accepted. The original permission did not restrict the hours of operation of the equine clinic or the use of the main barn, nor was any condition imposed controlling light emitted through the approved roof panels. However, a condition requiring the prior approval of all external lighting was imposed to safeguard the dark skies of the National Landscape.

Whilst the increase in roof panels has the potential to increase the level of light visible from the building during periods of darkness, the proposal does not include the installation of any new external lighting and the use of the site remains restricted to an Equine Orthopaedic Clinic.

Given the nature of the approved Equine Orthopaedic Clinic, including the welfare requirements of horses, routine husbandry activities and the health and safety needs of staff, it would not be reasonable to impose a condition requiring the building to cease operating during hours of darkness. It is acknowledged that the increase in translucent roof panels has the potential to increase the visibility of internal lighting during the winter months when daylight hours are significantly reduced.

In this regard, officers are satisfied that any potential impact arising from increased light spill can be appropriately mitigated through the implementation of the Lighting Management Scheme 17128 received 02nd September 2026 and lighting specifications set out in Lighting Technical Sheet 08049 ECH3200-W50/DA received 3rd July 2026 submitted in support of the application.

The submitted details demonstrate that internal illumination can be controlled through the use of lighting management measures, ensuring that only operationally necessary areas of the building are illuminated during periods of darkness. In particular, the submitted details provide for lighting controls to minimise unnecessary illumination and to ensure that, after 20:30 hours, lighting is restricted to that required for staff safety, horse welfare inspections, essential husbandry activities and emergency veterinary treatment. The submitted information further demonstrates that light spill through the translucent roof panels can be minimised as far as reasonably practicable whilst maintaining the safe and effective operation of the approved facility.

The LPA consider that this approach strikes an appropriate balance between safeguarding the dark skies, landscape character and special qualities of the North Wessex Downs National Landscape, allowing the authorised Equine Orthopaedic Clinic to operate safely and effectively, and protecting neighbouring amenity. The facility does not operate as a 24-hour emergency hospital and night-time activity is generally limited to routine welfare checks, essential husbandry tasks and occasional veterinary emergencies.

Subject to such compliance with the mitigation set out, the proposal would not result in unacceptable harm to the character and appearance of the National Landscape, dark skies or neighbouring amenity. The development as amended is therefore considered to accord with the objectives of Core Policies 51 and 57 of the Wiltshire Core Strategy.

- ***Updates to national policy: Is the proposal compliant with National Policy?***

Since the grant of planning permission PL/2021/04663, a revised National Planning Policy Framework was published on 17 August 2026, replacing the December 2024 version and introducing a new decision-making framework, including policies S3 to S5 relating to the principle of development within and outside settlements.

The approved development comprises an equine orthopaedic clinic and associated equestrian facilities located outside a defined settlement boundary. As such, the principle of the development as amended falls to be considered against Policy S5: Principle of Development Outside Settlements. The equine clinic comprises a specialist rural business and includes facilities associated with the treatment, rehabilitation, stabling and exercise of horses. As a whole, the development is considered to accord with Policy S5(1)(a) relating to outdoor sport and recreation and Policy S5(1)(b) which supports rural businesses and services where an outside-settlement location is necessary due to their operational requirements. The current application does not alter the approved use, operational characteristics, footprint, height, scale, massing or overall volume of the building, but seeks only design amendments to an already approved and implemented scheme.

The principal issue arising from the proposed amendments relates to the increase in translucent roof panels from 20 to 64 and the potential for additional light spill during hours of darkness. The increased number of roof panels is proposed to maximise the use of natural daylight within the building and reduce reliance on artificial lighting during daylight hours. In assessing this matter, regard has been had to Policy P3(e) of the NPPF, which seeks to limit adverse impacts from artificial light on local amenity, intrinsically dark landscapes and nature, and Policy N4, which requires particular regard to be given to the conservation of the special qualities of Protected Landscapes, including dark skies.

Section 85 of the Countryside and Rights of Way Act 2000 (as amended by Section 245 of the Levelling Up and Regeneration Act 2023) remains an important material planning consideration within the context of the revised 2026 NPPF. It requires relevant authorities, when determining planning applications affecting land within a National Landscape to seek to further the statutory purpose of the designation, which is to conserve and enhance the natural beauty of that area. This is an active duty which applies to planning decisions and other public functions that may affect land within a National Landscape or the setting of a National Landscape

Whilst some increase in light spill may occur, no new external lighting is proposed, and the submitted Lighting Management Scheme 17128 and Lighting Technical Sheet demonstrate that internal illumination can be controlled and minimised during hours of darkness. Subject to a condition securing compliance with the approved lighting management measures, any impacts on dark skies and the National Landscape are considered capable of being appropriately mitigated and do not warrant withholding planning permission.

In considering and seeking to mitigate impacts via conditions to control lighting and reduce light spill to a reasonable level, balancing the value of a working countryside, the LPA has actively considered the duty to further the purpose of the National Landscape proportionately having regard to the scale and nature of the development.

The proposal therefore remains acceptable in principle under the revised NPPF, and the key consideration is whether the amended design gives rise to any unacceptable impacts when assessed against the Framework's policies relating to design, landscape and environmental and living conditions.

- ***Other changes to consider? Would the proposal still be compliant?***

In respect of changes to site circumstances, updated technical evidence, consultation responses, Habitats Regulations Assessment requirements and Biodiversity Net Gain matters, it is deemed that none materially alter the assessment of the development as amended.

The application seeks only design amendments to the approved equine facilities building and does not propose any changes to the approved use, operational activities, site layout, access arrangements or the wider development permitted under planning permission PL/2021/04663.

No new site constraints have emerged since the grant of permission, and no updated technical evidence has been submitted or deemed necessary given the limited nature of the proposed amendments. The amendments do not increase the building footprint, height, scale, massing or overall volume, nor include the installation of external lighting and, as such, do not give rise to any new impacts beyond those previously assessed.

Furthermore, the proposed changes do not affect the conclusions of the ecological assessment that informed the original planning permission nor the conditions secured, nor do they alter any previous Habitats Regulations Assessment conclusions or trigger the need for further assessment.

Similarly, the amendments do not affect any approved biodiversity enhancement measures, habitat delivery proposals, Biodiversity Net Gain calculations or associated monitoring arrangements. Officers therefore conclude that these matters do not materially affect the acceptability of the development as amended.

The LPA notes the Parish Council's objections in relation to other matters including highways, principle of development, residential amenity and ecology, However, as the application is submitted under Section 73 and relates solely to the design amendments of the equestrian facilities building to the south of the site. Consideration is correctly limited to consideration of the changes themselves. The application does not seek to make any other changes to any other aspect of the approved scheme under application PL/2021/04663 and so other matters cannot be revisited at this stage.

Assessment of Conditions Subject of this Section 73 (reference to original condition numbers.

Approved Plans: Condition 2

Condition 2 is the principal condition controlling the form and layout of the approved development. The proposed revisions are reflected in the Site Levels and Site Layout 17128.107-D (as approved under Discharge of Condition application PL/2024/09534); however, this is replaced with Site Layout 17125.107-C, with no changes to the plan outside the Site Levels, which have been excluded. Other revised plans include Main Barn- Elevations and Floor Plans Ref 17128-106-E, Lighting Technical Sheet 08049 ECH3200-W50/DA, and Lighting Management Scheme 17128. For the reasons set out elsewhere in this report, the proposed amendments have been found acceptable in respect of Design Impact, drainage, ecology, landscape, arboriculture and residential amenity. It is therefore appropriate to amend Condition 2 to reference the updated drawings and technical documents which collectively define the revised development. The amended condition is necessary, relevant, enforceable, precise, and reasonable, and continues to satisfy the six tests for planning conditions.

Proposed New Condition to minimise light spill

A condition is considered necessary and reasonable having regard to the specific circumstances of the application. The principal issue arising from the proposed amendments is the increase in translucent roof panels and the potential for additional light spill during periods of darkness. Whilst the original permission accepted the principle of translucent roof panels and did not impose any restriction on the hours of operation of the approved Equine Orthopaedic Clinic, the site is located within the North Wessex Downs National Landscape where the protection of dark skies formed an important consideration of the original planning assessment. The original permission also included a condition requiring approval of any external lighting in recognition of the sensitivity of the site and the adjoining River Og corridor.

The current application does not propose any external lighting and the approved use remains restricted to an Equine Orthopaedic Clinic. Furthermore, evidence before the Local Planning Authority confirms that the facility does not operate as a 24-hour emergency veterinary hospital, with night-time activity generally limited to welfare inspections, essential husbandry activities, security checks and occasional emergency veterinary treatment. The LPA therefore consider it unreasonable to impose restrictions that would prevent the lawful operation of the approved business during periods of darkness, particularly during winter months when daylight hours are significantly reduced.

The submitted lighting specification and Lighting Management Scheme demonstrate that internal lighting can be effectively controlled through a combination of management and technical measures. The approved system utilises lighting capable of dimming and zoned operation, allowing individual areas of the building to be illuminated independently and only when required. The Lighting Management Scheme further requires lighting to be restricted to occupied and operationally necessary areas, with illumination levels reduced after 20:30 hours and all unnecessary lighting switched off. During hours of darkness, lighting is limited to that required for staff safety, horse welfare inspections, essential husbandry activities, security and occasional emergency veterinary treatment. As a result, only small areas of the building are illuminated when required, thereby reducing the amount of artificial light visible through the translucent roof panels and minimising light spill whilst maintaining appropriate operational and welfare standards. The LPA are therefore satisfied that the condition provides a

proportionate and effective means of controlling the potential impacts arising from the additional roof panels. The condition is necessary to safeguard the dark skies, landscape character and visual amenity of the area. In doing so, it supports the objectives of Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and the objectives of Policy P3 and Policy N4 of the National Planning Policy Framework.

The Local Planning Authority is satisfied that Condition 20 meets test set out within the NPPF and is necessary, relevant, enforceable, precise and reasonable.

Other Conditions

Conditions 3 and 4:

Conditions 3 and 4 relating to archaeological evaluation and a watching brief were discharged under application PL/2024/09534. As the current proposal relates only to amendments to the design and external appearance of the approved building, with no changes to the approved footprint, ground disturbance or site layout, the proposed amendments do not give rise to any additional archaeological considerations. The conditions have therefore been fully satisfied and are not required to be carried forward on this Section 73 permission.

Condition 5:

Condition 5 remains necessary as the site is located within a sensitive river corridor and the original permission concluded that a detailed Surface Water Drainage Strategy was required to demonstrate that the development could be safely drained without increasing flood risk or causing harm to water quality. Whilst the condition remains outstanding and has not yet been discharged, the current Section 73 application does not propose any changes to the approved site layout, building footprint, levels, hardstanding areas or drainage assumptions that would alter the requirements of the condition. The need for a comprehensive drainage strategy therefore remains unchanged. Retaining the condition will ensure that an appropriate SuDS-led drainage scheme is agreed and implemented prior to occupation of the development, safeguarding the River Og, managing surface water runoff and ensuring the development remains safe from flooding without increasing flood risk elsewhere. The condition remains necessary to comply with Core Policy 67 of the Wiltshire Core Strategy and the objectives of Policy F7 and Policy F8 of the National Planning Policy Framework.

Condition 6:

Condition 6 of planning permission PL/2021/04663, relating to site levels, finished floor levels, earthworks and landform details, was discharged under application PL/2024/09534. The approved details are secured through drawings Access Plan 17128.108-D, Slab Levels and Construction Facilities 17128.123 and Revised Site Layout 17128.107-C. The current Section 73 application does not propose any changes to the approved siting of the building, finished floor levels, landform, earthworks, access arrangements, parking areas or wider site layout. Accordingly, no further assessment or approval is required. Nevertheless, the condition remains necessary as a compliance condition, as the approved site levels and earthworks were an important part of the original assessment, ensuring the development sits appropriately within the landscape, minimises visual impact and responds positively to the site's landform and surroundings. The approved levels also contribute to the flood mitigation strategy secured for the development. The compliance condition therefore continues to accord with Core Policies 51, 57 and 67 of the Wiltshire Core Strategy and the objectives of Policies N2 and N4

which seek to help drive nature's recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and Policy P3 which seeks to ensure development does not give rise to unacceptable levels of water, soil or other forms of pollution of the national Planning Policy Framework.

Condition 7:

Condition 7 remains necessary as the current Section 73 application does not alter the approved landscaping, ecological mitigation, biodiversity enhancement or long-term management measures secured as part of the original permission. These measures were integral to the acceptability of the development, providing landscape mitigation for the buildings, enhancing the River Og corridor, securing biodiversity gains and contributing to the conservation and enhancement of the North Wessex Downs National Landscape. As the approved planting, habitat enhancements and Landscape and Ecology Management Plan require ongoing implementation, establishment and long-term management, the condition remains relevant to the development as amended. Retaining the condition will ensure the continued delivery of the ecological and landscape benefits upon which the original permission was granted, in accordance with Core Policies 50 and 51 of the Wiltshire Core Strategy and the objectives of Policy N2 of the National Planning Policy Framework which seeks to conserve and enhance biodiversity, ecological networks and the wider natural environment.

Condition 8:

Condition 8, relating to manure storage and disposal arrangements, was discharged under application PL/2024/09534. The approved details secured the location of the manure storage container as shown on drawing Site Layout – 17128.107-C, and the site layout submitted as part of the current Section 73 application confirms that the manure storage area remains in the same approved location. No changes are proposed to the approved site layout, manure storage location or waste management arrangements; the approved details remain applicable to the development as amended. Accordingly, the condition should be revised as a compliance condition requiring the manure storage and disposal arrangements to be retained and operated in accordance with the details approved under application PL/2024/09534 and drawing Site Layout – 17128.107-C. Retention of the condition remains necessary to safeguard residential amenity, prevent pollution and protect the ecological value of the River Og corridor, in accordance with Core Policies 50, 56 and 57 of the Wiltshire Core Strategy. In particular, Core Policy 56 seeks to ensure development is not adversely affected by, and does not create unacceptable levels of pollution including impacts on water quality and neighbouring amenity. It would also ensure that the development as a whole accords with the objectives of Policy N2 and Policy P3 of the National Planning Policy Framework, which require development to conserve and enhance natural features and minimise adverse effects on biodiversity and ecological networks, and ensure development does not give rise to unacceptable levels of water, soil or other forms of pollution. This is particularly relevant given the proximity of the manure storage area to the River Og and its hydrological connection to the River Kennet.

Condition 9:

Condition 9, relating to the submission of a Construction Environmental Management Plan (CEMP), was discharged under application PL/2024/09534. As the approved CEMP contains ongoing environmental protection, pollution prevention and ecological mitigation measures,

the condition is carried forward as a compliance condition requiring the development to be undertaken in accordance with the approved CEMP. The current Section 73 application does not alter the approved site layout, ecological mitigation strategy, construction methodology or extent of development and therefore the approved CEMP remains applicable to the development as amended. Retaining the condition as a compliance condition ensures the continued protection of ecological receptors, the River Og corridor and neighbouring amenity of the development as a whole, in accordance with Core Policies 50 and 57 of the Wiltshire Core Strategy and Policies N2, which seeks to conserve and enhance biodiversity and ecological networks and, P3, which seeks to avoid unacceptable pollution impacts on both the natural environment and surrounding occupants, of the National Planning Policy Framework.

Condition 10:

Condition 10 remains necessary as the current Section 73 application does not alter the approved flood risk mitigation measures, site levels, bridge design, finished floor levels or floodplain arrangements. These measures were fundamental to the original assessment by the Environment Agency and Local Planning Authority and were necessary to demonstrate that the development would remain safe from flooding, preserve floodplain storage capacity and avoid increasing flood risk elsewhere. The approved mitigation continues to play an important role in ensuring the development as a whole complies with Core Policy 67 of the Wiltshire Core Strategy. The condition also remains consistent with Policies F6 and F7 of the National Planning Policy Framework, which require development to be safe for its lifetime, not increase flood risk elsewhere and ensure any residual flood risk can be appropriately managed. As the approved flood mitigation measures remain directly relevant to the development as amended, the condition should be retained.

Condition 11:

Condition 11 secured the provision of the approved access, visibility splays, gate set-back, radii and associated highway works in the interests of highway safety. The approved access has subsequently been constructed and is operational. The current Section 73 application does not propose any changes to the approved access arrangement, visibility splays, internal drive, gates or highway works. As the requirements of the condition have been implemented, the condition is no longer required in its original form. However, the approved access and visibility arrangements remain necessary to ensure the development as a whole continues to operate safely and that acceptable levels of highway safety are maintained. Accordingly, the condition has been amended to a compliance condition requiring the access, internal drive, visibility splays and associated highway works to be retained and maintained in accordance with the approved plans for the lifetime of the development. This approach remains consistent with Policies 60, 61 and 64 of the Wiltshire Core Strategy and TR3(1)(c) and TR4 of the National Planning Policy Framework (2026), which seek to ensure development provides safe access arrangements and does not result in unacceptable impacts on highway safety.

Condition 12:

Condition 12 remains necessary as it ensures all commercial traffic associated with the approved Equine Orthopaedic Clinic continues to use the purpose-built southern access and does not utilise the private access road to the north of the site. The current Section 73 application does not propose any changes to the approved access arrangements or traffic routing strategy. Retention of the condition is therefore necessary to safeguard highway safety and residential amenity and remains consistent with Policies 60, 61 and 64 of the Wiltshire

Core Strategy and Policies TR3 and TR4 of the revised NPPF, which seek to ensure development provides safe and appropriate access arrangements.

Condition 13

Condition 13 remains necessary to ensure any external plant or machinery is appropriately sited and mitigated to prevent unacceptable noise and disturbance. The approved equestrian facility building has been substantially erected but submitted plans and site visit undertaken indicate that the building is not complete or operational. In addition, the level of development undertaken for other approved buildings within the scheme is unknown. It has not been demonstrated what external plant, ventilation equipment, flues, heat pumps, air handling units or other mechanical installations may be required as part of the final fit-out of the approved development. Given the current stage of construction, the original slab-level trigger is no longer appropriate. The condition should therefore be amended to require details of any external plant and associated mitigation measures to be submitted to and approved in writing by the Local Planning Authority prior to the building being brought into use, with all equipment thereafter installed and operated in accordance with the approved details. This remains necessary to comply with Core Policies 50 and 57 of the Wiltshire Core Strategy and the objectives of Policies P3 and P4 of the NPPF, to protect residential and environmental amenity from harm arising from noise pollution emitted from such machinery and plant.

Condition 14:

Condition 14 remains necessary as the external materials and finishes are fundamental to the appearance of the development within the National Landscape and its rural setting. Retaining the condition will ensure the buildings are completed and maintained in accordance with the approved materials, thereby securing a high-quality design and protecting local character in accordance with Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and Policies DP3, N4 and HE4 of the NPPF

Condition 15:

Condition 15 remains necessary and relevant to the development as amended. The site is located within the North Wessex Downs National Landscape and adjacent to the River Og corridor, where the protection of dark skies, landscape character and ecological interests formed an important part of the original planning assessment. Whilst the current application includes an increase in the number of translucent roof panels, no external lighting is proposed as part of the development. Nevertheless, it remains necessary to control any future external lighting installations to ensure that unnecessary light spill does not harm the character of the National Landscape or ecological receptors associated with the river corridor. The condition therefore continues to serve a planning purpose by requiring any future external lighting to be assessed and approved by the Local Planning Authority. This approach is consistent with Policy P3(e) of the National Planning Policy Framework (2026), which seeks to limit adverse impacts from artificial light on local amenity, intrinsically dark landscapes and nature, and Policy N4, which affords substantial weight to conserving and enhancing the special qualities of Protected Landscapes, including dark skies. The condition remains necessary to ensure the development continues to accord with Core Policies 50, 51 and 57 of the Wiltshire Core Strategy and the objectives of the NPPF as identified.

Condition 16:

Condition 16 remains necessary as it secures the long-term management and enhancement of the Scheduled Ancient Monument (Dam of King's Fishpond) located within the application site. During consideration of the original application, both Historic England and the Local Planning Authority concluded that, whilst the physical fabric of the monument would not be directly affected, the development would result in a degree of harm to its setting. This harm was considered acceptable in part because the proposal included the opportunity to secure improved management and monitoring of the monument, addressing concerns regarding its previously unmanaged condition.

The current Section 73 application relates solely to amendments to the design and appearance of the approved equine building and does not alter the location of the monument, its setting, or the need for ongoing management. Retaining the condition will ensure the continued conservation, inspection and maintenance of this nationally important heritage asset in accordance with Core Policy 58 of the Wiltshire Core Strategy and Policy MARL14 of the Marlborough Area Neighbourhood Plan. It also remains consistent with Policies HE4 and HE6 of the National Planning Policy Framework, which require designated heritage assets to be conserved in a manner appropriate to their significance and afford substantial weight to their conservation.

Condition 17

Condition 17 remains necessary as it secures the provision and retention of the approved parking, turning and electric vehicle charging infrastructure that formed part of the original assessment of the development. The current Section 73 application does not propose any changes to the approved parking layout, turning areas or EV charging provision. Retaining the condition will ensure the development continues to provide adequate on-site parking and manoeuvring areas and supports the transition to lower-emission vehicles. This remains consistent with Core Policies 60, 61 and 64 of the Wiltshire Core Strategy and Policies TR3 , TR4 and CC2 of the National Planning Policy Framework.

Condition 18

Condition 18, relating to the bridge design and external finishes, was discharged under application PL/2024/09534. The approved bridge details shown on drawing 17128.110-D were accepted as appropriate to the rural character of the site. As no changes are proposed to the bridge through this Section 73 application, the condition has been revised as a compliance condition requiring the bridge to be constructed and retained in accordance with the approved details.

Condition 19

Condition 19 remains necessary as it restricts the development to the approved Equine Orthopaedic Clinic use upon which the original assessment was based. The current Section 73 application does not propose any change of use, and the condition ensures that the development does not intensify into other commercial equestrian activities that could give rise to materially different impacts on amenity, ecology, drainage or highway safety. Retention of the condition is also consistent with Policy S5 of the revised NPPF, which supports rural businesses where a countryside location is necessary.

Other Material Considerations/Issues

The Local Planning Authority notes that a request was made for the application to be referred to the relevant Area Planning Committee. However, the request was submitted after the deadline prescribed by the Council's Scheme of Delegation. Following discussions between the Case Officer, the Head of Development Management and the local ward member, it was confirmed that the call-in request could not be accepted. This conclusion was reached because the request was made a significant period after the deadline set out in Part 3, Section D3, Paragraph 2.2.1 of the Scheme of Delegation, and because the application had already become out of time under the agreed Extension of Time. Accordingly, Paragraph 2.2.3 requires the application to be determined as soon as reasonably practicable.

It was also explained that a number of the matters raised fell outside the scope of this Section 73 application, which is limited to the proposed amendments to the approved equine building. The principal issue capable of being considered through the current application relates to the potential impact of the additional translucent roof panels on dark skies and visual amenity. As set out elsewhere in this report, officers are satisfied that this matter can be appropriately addressed through planning conditions controlling lighting and the operation of the approved building. Consequently, there are no procedural or planning reasons that warrant departure from the Council's Scheme of Delegation and the application has been determined under delegated powers.

A number of objections were also received relating to matters outside the scope of the current Section 73 application and, in some cases, outside the scope of the planning system. The current application relates solely to amendments to the design and appearance of the approved Equine facilities Barn and their impact through the variation of Condition 2 (Approved Plans). Matters relating to the wider principle of the development, the operation of the approved Equine Orthopaedic Clinic, compliance with existing planning conditions, pollution control, alleged unauthorised development and other activities elsewhere on the site are not matters that can be reconsidered through this application.

Notwithstanding this, all conditions attached to the original planning permission have been reviewed as part of the assessment of the development as amended to determine whether they remain necessary and relevant, whether they have been discharged, and whether they should be carried forward, amended or removed. In undertaking this exercise, the Local Planning Authority has had regard to a number of matters raised in representations, including manure storage arrangements, access arrangements, drainage, landscaping, ecology and heritage management. Whilst these matters do not arise directly from the proposed design amendments, the review of the existing conditions has confirmed that the required and also approved mitigation and management measures relevant to the delivery of the development as a whole remain appropriate and, where necessary, continue to be secured through the revised conditions and existing conditions carried forward accompanying this permission.

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 Policy, and the objectives of the relevant Policies of 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.

In weighing the planning balance, the following factors have been considered:

- **Benefits:** The proposal regularises amendments to the approved equine facility building. The revised materials and detailing reinforce the agricultural and equestrian character of the building, whilst the amended internal layout improves operational functionality without altering the approved footprint, height, scale, massing or overall volume. The additional roof panels increase natural daylight within the building and reduce reliance on artificial lighting during daytime hours. The proposal also supports the continued operation of an established rural business previously found acceptable in principle under planning permission PL/2021/04663.
- **Harms:** The principal issue identified is the potential for additional light spill arising from the increase in translucent roof panels. However, no external lighting is proposed, and any additional light spill can be appropriately mitigated through the submitted lighting measures and recommended planning conditions.

The proposed variation of condition(s) is considered acceptable. The benefits of the proposal, including, 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

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

Received 2021

17128.100 Location plan

17128.104-B Proposed stables

Received 2022

Access Plan 17128.108-D

Landscape Mitigation Strategy – WHL-1160-05 Rev.A;

Received 2024

Site Levels and Site Layout– 17128.107-D

Slab levels and Construction facilities 17128.123

Bridge levels and setting-out Plan 17128.110-D

Archaeological Evaluation Report

Received 2025

Received 2026

Site layout – 17128.107-C

Lighting Technical Sheet 08049 ECH3200-W50/DA

Lighting Management Scheme 17128

Main Barn- Elevations and Floor Plans Ref 17128-106-E,

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

5. The development hereby approved shall not be occupied or brought into use until a Surface Water Drainage Strategy has been implemented in full in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the written details shall confirm compliance with sustainable drainage systems (SuDS) principles and include the following:

- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented;
- A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes;
- If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible;
- Consent for any outfalls from the proposed drainage systems into a watercourse, public sewer or other drainage system not owned by the applicant;
- Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge;
- SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality. Calculations demonstrating that the required 20% betterment against the existing/greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events;
- Calculations demonstrating that the proposed drainage design provides a sufficient level of water treatment throughout the management train to prevent pollution of the receiving watercourse;
- Confirmation that the strategy has been designed in accordance with the Non statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753);
- Exceedance routes that minimise the risks to people and property;
- Future maintenance details to ensure the surface water drainage system operates at its intended capacity/efficiency for the lifetime of the development.

Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure the development reduces flood risk across the site and to adjacent land through the timely implementation of a Surface Water Drainage Strategy informed by SuDS principles in accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy and the objectives of Policies F7 and F8 of the National Planning Policy Framework.

6. The development shall be carried out in accordance with the approved levels, earthworks, access, parking and turning arrangements shown on: Access Plan 17128.108-D received 5 April 2022, Slab Levels and Construction Facilities 17128.123 received 22 October 2024, and Site Layout – 17128.107-C received 13 March 2026.

The approved finished floor levels, site levels, grading, access roads, parking areas, turning areas and associated earthworks shall thereafter be retained as approved.

REASON: To ensure the development is undertaken and retained in a manner that respects the character and appearance of the area, provides an appropriate landscaped setting, safeguards residential amenity and maintains satisfactory access, parking and drainage arrangements, in accordance with Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, Policies MARL17 and MARL18 of the Marlborough Area Neighbourhood Plan and the objectives of Policies N2, N4 and P3 of the National Planning Policy Framework.

7. All soft landscaping comprised in the approved details of the development (approved plan no. Landscape Mitigation Strategy – WHL-1160-05 Rev.A) shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Thereafter, the site shall be managed in accordance with a Landscape and Ecology Management Plan (LEMP) the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the buildings hereby approved. As a minimum, the LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development and to ensure the enhancement of the river corridor and biodiversity net gains are delivered in a timely manner in accordance with the aims of Core Policies 50 and 51 of the Wiltshire Core Strategy, policies MARL14 and 17 of the Marlborough Neighbourhood Plan and the objectives of Policy N2 of the National Planning Policy Framework

8 The manure storage and disposal arrangements hereby approved shall be retained and operated in accordance with the details approved under application PL/2024/09534 and drawing Site Layout – 17128.107-C hereby approved for the lifetime of the development.

REASON In the interests of residential amenity, pollution prevention and environmental protection, including the protection of the River Og corridor and its associated ecological interests, in accordance with Core Policies 50, 56 and 57 of the Wiltshire Core Strategy and the objectives of Policies N2 and P3 of the National Planning Policy Framework.

9 The development shall be carried out in full accordance with the approved Construction Environmental Management Plan (CEMP) received on 02 May 2025, approved pursuant to application PL/2024/09534.

REASON: To ensure the continued protection of ecological receptors, the River Og, neighbouring amenities and the wider environment during the implementation of the approved development, in accordance with Core Policy 50 of the Wiltshire Core Strategy and the objectives of Policies N2 and P3 of the National Planning Policy Framework.

10. The development shall be carried out in accordance with the details of the submitted flood risk assessment and associated technical notes (Report Version 4, Author: Water Resource Associates, Dated: March 2022), and the following mitigation measures detailed within:

- Minimum bridge soffit level of 126.07 metres above Ordnance Datum (mAOD) as outlined in the letter 'Re Mill House Poulton FRA Review of EA modelling of the River Og, Water Resource Associates LLP, 21st December 2022', River Og Modelling Review Technical Note Final and the drawing revised Bridge levels and setting-out Plan 17128.110-D, received 22 October 2024;
- Access ramp to the proposed bridge shall be an open grid structure to reduce the impact on floodplain storage, as outlined in the drawing revised Bridge levels and setting-out Plan 17128.110-D, received 22 October 2024;
- Finished floor level for the proposed barn shall be set at or above 126.5mAOD, and finished floor levels for the stable shall be set at 126.2mAOD as outlined in section 3.4 of the Flood Risk Assessment;
- No raising of ground levels within the 1% 70CC flood extent as outlined in section 3.4
- of the flood risk assessment.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the bridge is designed appropriately and floodplain storage is not reduced in accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy and the objectives of Policies F6 and F7 of the National Planning Policy Framework.

11. The vehicular access, internal access road, visibility splays, radii, gate set-back, parking and turning arrangements shall be retained and maintained in accordance with drawing Access Plan – 17128.108-D and the approved details for the lifetime of the development. The visibility splays shown on the approved plans shall thereafter be kept free from obstruction at all times above a height of 600mm above the level of the adjacent carriageway.

REASON: To ensure the development continues to benefit from a safe means of access and to prevent harm to highway safety, in accordance with Core Policies 60, 61 and 64 of the

Wiltshire Core Strategy and the objectives of Policies TR3 and TR4 of the National Planning Policy Framework.

12. All vehicular traffic associated with the Equestrian Clinic use hereby approved shall be directed to use the southern access point directly from the public highway at Poulton Hill and at no time shall commercial traffic be directed to the private access road that runs to the north of the site.

REASON: To prevent an increase in commercial traffic to the north of the site to prevent any harm to highway safety arising as a result of the operation of the permitted use in accordance with the aims of policies 60, 61 and 64 of the Wiltshire Core Strategy and the objectives of Policies TR3 and TR4 of the National Planning Policy Framework.

13. The development shall not be brought into use until full details of all external plant/machinery (to include external flues, vents, extraction fans etc.) have been submitted to and approved in writing by the local planning authority. As a minimum, the details shall include:

- A site plan (and building elevations if relevant) showing the locations of all external plant/machinery;
- manufacturer's technical specifications, that must include noise ratings; and details of noise/odour suppression measures (if relevant).
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Thereafter, the development shall be completed and maintained in accordance with the approved details.

REASON: To ensure the development is appropriately managed to protect the amenities of nearby residential properties and to ensure no noise pollution of the River Og occurs, to the detriment of the biodiversity value of the site in accordance with the aims of Core policies 50 and 57 of the Wiltshire Core Strategy and the objectives of Policies P3 and P4 of the National Planning Policy Framework.

14. The buildings hereby approved shall be constructed using the external materials and finishes as detailed within approved plan numbers 17128.104-B (Proposed stables) and 17128.106-E (Proposed barn) and shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the development is constructed to a good quality design and protects the rural character of the site and settings of nearby designated heritage assets in accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and objectives of Policies DP3, N4 and HE4 of the National Planning Policy Framework.

15. No external lighting shall be installed anywhere within the application site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note 08/23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. The

approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage along the river corridor and to protect the dark skies of the North Wessex Downs National Landscape in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policies MARL17 and 18 of the Marlborough Area Neighbourhood Plan and the objectives of Policies P3 and N4 of the National Planning Policy Framework.

16. The buildings hereby approved shall not be occupied or brought into use until full details of a management plan for the section of the Scheduled Ancient Monument located within the development site shall be submitted to and approved in writing by the local planning authority. As a minimum, the details shall confirm details of regular inspection of the SAM, all maintenance/enhancement works and procedures to report to Historic England. Thereafter, the development shall be operated in accordance with the agreed details.

REASON: To ensure the Scheduled Ancient Monument within the development site is adequately managed and sensitively enhanced in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy, policy MARL14 of the Marlborough Area Neighbourhood Plan and the objectives of Policies HE4 and HE6 of the National Planning Policy Framework.

17. The buildings hereby approved shall not be occupied or brought into use until the hard-surfaced areas for the parking and turning of vehicles within the site have been constructed/laid out in full with staff and visitor parking spaces provided with electric vehicle charging points (EVCP) in accordance with details of the surface materials and charging points that have first been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure that sufficient areas for the parking and turning of vehicles are secured and that EVCPs are provided to encourage the use of low-carbon vehicles in the interests of protecting air quality in the area and preserving the rural character of the site in accordance with the aims of Core Policies 51, 60, 61 and 64 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan and the objectives of Policies TR3 , TR4 and CC2 of the National Planning Policy Framework.

18. The bridge hereby approved shall be constructed and thereafter retained in accordance with drawing 17128.110-D and the details approved under application PL/2024/09534.

REASON: To ensure a high-quality design that respects the rural character of the site and the setting of nearby heritage assets, in accordance with Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and the objectives of the Design Policies of the National Planning Policy Framework.

19. The commercial use hereby permitted shall only be as an Equestrian Orthopaedic Clinic use (a sui generis use) and for no other commercial equestrian enterprise (i.e. riding school, commercial livery).

REASON: To ensure that the agreed mitigation measures are suitable for the intended use in the interests of preserving neighbouring residential amenities, the biodiversity value of the site and protecting the valued habitats of the River Og and River Kennett from pollution in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan and objectives of Policy S5 of the National Planning Policy Framework.

20. The internal lighting within the building hereby approved shall be installed and operated in accordance with Lighting Specification Reference 08049 ECH3200-W50/DA and Lighting Management Scheme 17128. Between the hours of 20:30 and 07:00, internal lighting shall be restricted to the minimum level reasonably necessary for staff safety, horse welfare, essential husbandry activities, security and emergency veterinary treatment. The indoor school element of the building shall not be illuminated during these hours other than where lighting is reasonably required in connection with emergency veterinary treatment or an animal welfare emergency. All lighting shall be managed so as to minimise unnecessary light spill from the building.

REASON: To minimise unnecessary light spill and protect the dark skies and special qualities of the North Wessex Downs National Landscape in accordance with Core Policies 51 and 57 of the Wiltshire Core Strategy and the objectives of Policies P3 and N4 of the National Planning Policy Framework.