1. **APPLICATION SITE AND LOCALITY** 
   1. The application site is comprised of a single, detached dwelling, four large agricultural buildings (two detached, the other two linked to a neighbour’s outbuildings) and other smaller structures, a horse walking area enclosed by hedges, and other hardstanding, as well as a manège to the west of the dwelling. A large area of agricultural land is also included within the blue line, i.e. the applicant’s ownership, covering broadly 440 metres in a west-east direction and 290 metres in a north-south direction and bounded to the west by the county boundary between Oxfordshire and Warwickshire. This boundary also marks the eastern edge of the Cotswolds Area of Outstanding Natural Beauty. The site is accessed from Colony Road, a classified road, to the east. There are records of bats in the area. There are no other notable site specific constraints relevant to planning and this application.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The application comes following the granting of planning permission 16/01563/F, allowed at appeal, for the proposed *‘Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 15/01693/F)*’; granted planning permission on 31st of October 2017.
   2. The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary the approved plans condition (Condition 2 of 15/01693/F) to allow for minor material amendments to the proposed layout, scale and design of the proposed dwelling as previously approved under the original application 15/01693/F. The proposed amendments include:

* The footprint of the principal element of the house is slightly widened (~0.5m increase) and lengthened (~0.8m increase);
* The single storey kitchen wing is re-sited approximately 3.0m eastwards relative to the principal element of the house;
* Two windows added to southern gable of the principal element for the study and first floor bedroom;
* Two windows added to northern gable of the principal element for the dining room and first floor bedroom;
* One additional dormer window added to the east and west roof slopes and the dormers rearranged on the roof;
* Two conservation roof lights added to the east elevation of kitchen;
* Alteration to windows and doors on the single storey kitchen wing.

1. **RELEVANT PLANNING HISTORY**
2. There is no planning history directly relevant to the proposal.

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| Application Ref. | Proposal | Decision |
| 16/01563/F | Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 15/01693/F) | Application Refused.  Allowed at appeal |

1. **PRE-APPLICATION DISCUSSIONS**
2. No pre-application discussions have taken place with regard to this proposal.
3. **RESPONSE TO PUBLICITY**
   1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its record. The final date for comments was 21.05.2018, although comments received after this date and before finalising this report have also been taken into account.
   2. No comments have been raised by third parties**.**
4. **RESPONSE TO CONSULTATION**
   1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. SIBFORD FERRIS PARISH COUNCIL: **No objections.**
  2. SIBFORD GOWER PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY: **No objections**, referring to previous recommendations.

NON-STATUTORY CONSULTEES

* 1. DESIGN AND CONSERVATION OFFICER: Raises no significant objections, but makes suggestions with regards to improvements to fenestration detailing.
  2. ENVIRONMENTAL PROTECTION: **No objections.**
  3. LANDSCAPE OFFICER: **No objections.**

1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

* ESD1: Mitigating and Adapting to Climate Change
* ESD3: Sustainable Construction
* ESD 7: Sustainable Drainage Systems (SuDS)
* ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
* ESD12: Cotswolds AONB
* ESD13: Local Landscape Protection and Enhancement
* ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C28: Layout, design and external appearance of new development
* C30: Design of new residential development
* H17: Replacement dwellings
* H18: New dwellings in the countryside

1. Other Material Planning Considerations

* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)

1. **APPRAISAL**
2. The National Planning Policy Practice Guidance (PPG) advises:

*In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306)*

1. As such, the assessment in this case is limited to considering the merits of the applicant’s request for the revision of Condition 2 of 16/01563/F (approved plans condition), to be varied to allow for a revised siting, scale and detailing of the proposed new dwelling as, as set out above.
2. Given the context of the site nature of the proposed amendments to the approved scheme, it is considered that the only impacts would be those on the overall appearance of the buildings and the visual amenities of the site and its setting within the wider landscape

Principle:

1. The principle of development was previously considered acceptable with the granting of permission 16/01563/F. It is considered that the amendments now proposed do not introduce any further considerations that would result in the principle of the development no longer being seen in a favourable light. The principle is therefore considered acceptable in general sustainability terms subject to further considerations below.

Design, and impact on the character of the area:

1. The proposed amendments assessed within this application are relatively minor in the context of the overall scheme, and would not significantly affect the general nature of the development as previously approved under application 16/01563/F.
2. The slight increase in the scale of the proposed dwelling is unlikely to be discernible from the approved scheme and the re-siting of the single storey kitchen element would not result in any significant detrimental impacts on the visual appearance of the overall scheme.
3. The proposed new dormers are considered acceptable presenting a more balanced appearance to the roof slope.
4. Concerns have been raised by the Design and Conservation Officer with regards to the detail of the proposed the single storey element; including details of proposed windows and doors and roof pitch. The roof pitch remains as previously approved and as such it would be unreasonable to take a different opinion as to the acceptability of this element. With regards to the proposed windows and doors, it is the specific design details that give rise for concern and not generally the positioning of such. The applicant’s agent has been made aware of these concerns, but at the time of the preparation of this report a response had not been received.
5. Specific window and door details are a requirement of a condition attached to the previous consent and as it is considered that acceptable details could be secured at a later stage and therefore not a reason to refuse the application on these grounds alone.
6. Overall it is considered that, subject to the approval of specific fenestration detailing, the proposed amendments would sustain the architectural quality of the scheme as previously approved under 16/01563/F. The proposed amendments would not result in a scheme that would intrude into the open countryside to any greater extent than the previously approved scheme and would not adversely affect the character of the countryside or the character and visual amenity of the local landscape. The proposals are therefore considered acceptable in this regard.

Residential amenity:

1. As identified during the previous application, the proposed dwelling is located at a sufficient distance (approx. 48 – 50m) so as not to materially impact on the living conditions of New Barn Farm, the only neighbouring occupier. It is considered that the proposed amendments detailed above would not introduce any further impacts on the residential amenity of neighbouring properties above those assessed and considered acceptable under application 16/01563/F. The proposed amendments are therefore considered acceptable in this regard.

Highway safety:

1. The LHA has again assessed the proposals and raises no objections, referring to their previous recommendations made with regard to application 16/01563/F. The proposals would not introduce any further impacts on highway safety above those assessed and considered acceptable under application 16/01563/F.
2. Subject to the details of the access and parking and manoeuvring areas being approved it is considered that the proposals would not significantly impact on the safety and convenience of highway users and are therefore again considered acceptable in terms of highway safety.

Ecology and Biodiversity:

1. The proposed amendments would not result in any further impacts on features of Ecological or Biodiversity value, above those previously assessed and considered acceptable during the assessment of application 16/01563/F; and are therefore again considered acceptable in this regard.

Other Matters:

1. As this application is a S73 application, it is necessary to repeat all conditions attached to the original permission, as amended, as the result of the approval of this application would be a new planning permission. The PPG makes it clear that: *“where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended”.* The conditions attached to the original consent 16/01563/F have therefore been updated to reflect the variation to the approved plans condition (condition 2) that is the subject of this application.
2. **PLANNING BALANCE AND CONCLUSION**
3. The principle of development and detail of such has previously been considered acceptable with the granting of the preceding permission 16/01563/F. Given the above assessment it is considered that the proposed amended siting, scale and additional fenestration is generally considered acceptable in terms of visual amenity, residential amenity and highway safety and introduces no further impacts above those which have previously been assessed and considered acceptable, with the approval of the previous consent.
4. Subject to approval of specific details, the changes to the scheme proposed within this application do not introduce any further considerations that would now suggest that the proposals should not be seen in the same favourable light as has previously been adopted following the approval at appeal. The application is therefore recommended for approval as set out below.

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| 1. **RECOMMENDATION**   That permission is **granted**, subject to the following conditions:   1. The development hereby permitted shall begin not later than 31 October 2020.   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.   1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1759.100H, 1759.110E, 1759.111D, 1759.118D, 1759.122A, 1759.127A, 1759.128A, 1353.01C and the site location plan.   Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development above slab level, and notwithstanding the details submitted, full details of the dormers, chimneys, kneeler and coping, eaves, string and plinth including how the string returns, corner stones, ventilation slots, door cases, louvered windows and steps, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such thereafter.   Reason: To ensure the satisfactory appearance of the completed development and that the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development above slab level, samples of all external facing materials shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details and shall be retained as such thereafter   Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development above slab level, a stone sample panel (minimum 1m2 in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.   Reason: To ensure the satisfactory appearance of the completed development and that the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development above slab level, and notwithstanding the details submitted, full details of the doors and windows and rooflights hereby approved, including fanlights, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.   Reason: To ensure a visually appropriate form of development and to safeguard the landscape character and visual amenity of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development and notwithstanding the details submitted, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.   Reason: To ensure a visually appropriate form of development and to safeguard the landscape character and visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the first occupation of the development details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:   (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, including plant schedule and specification (BS4428:1989 and National Plant Specification),  (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,  (c) details of the hard surface areas, including steps.  The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.  Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, and in the interests of highway safety, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the first occupation of the development, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within the landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development hereby approved, a BS5837 Tree survey in respect of the large mature oak trees along the drive, all trees and hedgerows within an influencing distance of the demolition and construction work. Root protection areas to be defined and maintained during the duration of the work.   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Except where expressly shown on the drawings hereby approved as listed in Condition 2 of this permission, all existing hedgerows for the northern, western, eastern and southern field application site boundaries shall be retained, with a minimum maintenance height of 3 metres for landscape mitigation.   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. All species used in the planting proposals associated with the development shall be native species of UK provenance.   Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.   1. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.   Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. A revised walk over badger check of the site shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the mitigation plans or working methods shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.   Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site with particular reference to nesting/roosting provision for swallows and bats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.   Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. The development hereby approved shall be carried out in accordance with the recommendations and working practices set out in sections 4.4 and 4.5 of the ‘Extended Phase 1 Survey assessment and Bat Survey’ carried out by Wild Service Ecological Consultancy in July 2014 (submitted alongside ref 16/01563/F).   Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the commencement of the development, full specification details of the altered access and access road and turning area, including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling, the development shall be constructed in accordance with the approved details, and retained as such thereafter.   Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.   1. The rainwater goods installed to serve the development hereby permitted shall be cast iron or profiled aluminium and retained as such thereafter.   Reason: To ensure the satisfactory appearance of the completed development and that the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Prior to the first occupation of the development hereby approved, the existing dwelling and associated structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.   Reason: In the interests of the visual amenities of the area, in order to achieve a satisfactory form of development and prevent a net increase in residential dwellings in this environmentally and socially unsustainable location and to comply with Policies Villages 1, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H18 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.   1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Part 1 or Part 2 shall take place.   Reason: To enable the Local Planning Authority to retain planning control over the development of this site and to in order to safeguard the openness and rural character of the area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. |

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| Case Officer: | Bob Neville | DATE: 09.07.2018 |
| Checked By: | Nathanael Stock | DATE: 10.07.2018 |