

**Muddle Barn Farm Colony Road Sibford Gower  
OX15 5RY**

**19/02372/DISC**

**Case Officer:** Bob Neville

**Recommendation:** Approval

**Applicant:** Besterman

**Proposal:** Discharge of Condition 8 (hard and soft landscape works) of 19/01387/F

**Expiry Date:** 6 January 2020

**Extension of Time:** 10 January 2020

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**1. Site Description:**

1.1. The application relates to a site that previously 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 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. Application Publicity:**

2.1. No publicity required

**3. Details of Consent:**

3.1. Application 19/01387/F, for the 'Variation of Condition 2 (plans) of 16/01563/F - alterations to the design of the replacement dwelling, the erection of a replacement outbuilding, provision of a new 2m high wall and demolition of two bays of a stable building' at Muddle Barn Farm was approved subject to conditions on the 09/12/2019.

**4. Planning Considerations:**

4.1. Condition 8 requires that a detailed landscaping scheme is submitted and approved by the Local Planning Authority. The condition was required 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.

4.2. The landscaping scheme has been amended during the course of the application in response to comments made by officers, with regards to the proposed planting being located too close to buildings and conflicts with the layout of an approved alternative access drive permission approved under 18/01187/F. Amended plans been received during the application addressing issues raised by officers.

4.3. A large proportion of the landscaping falls outside the red line site area of the original permission 16/01563/F. However, in this instance, and having sought and obtained amended plans, officers consider that this is acceptable in this instance, as it demonstrates a holistic approach to the landscaping of the applicant's wider land ownership and the majority of the tree planting fencing works could potentially be

carried out without the need for a further permission. That said, it is considered appropriate to include a planning note to the effect that the discharge of the landscaping condition does not imply or allow for a change of use land that falls outside of the application site boundary to a residential use; and that the residential curtilage of the site remains as previously approved and identified by the original permission's site boundary and approved plan 1353.O1C.

- 4.4. The revised landscaping scheme (detailed within drawings labelled: DRW.MBFSK001 Rev. M and documents: Planting Specification & Schedule dated 6<sup>th</sup> September 2019 and Landscape Management Plan dated 6<sup>th</sup> September 2019) is considered appropriate in the context, providing visual enhancement to the site and biodiversity opportunities, through appropriate species to encourage wildlife within the planting scheme and further to maintain site lines and passing bays along the access track.
- 4.5. The amended landscaping scheme is therefore considered acceptable in terms of its detail and merits, and the application is therefore recommended for approval.

## 5. Other matters:

- 4.6. The application was originally submitted to discharge the landscaping condition of 18/00793/F, which in its self was a S73 application for the variation of a previously approved scheme (16/01563/F) for the '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' allowed at appeal (Appeal reference - APP/C3105/W/17/3173098). However, a further S73 application (19/01387/F) was approved during the course of this clearance of conditions application and it was agreed with the applicant that the discharge of conditions application should refer to the latest permission, this being the consent to be implemented to avoid the need for a further application.
- 4.7. Unfortunately, the application has gone beyond its original target date as a result of considering amended plans. An appropriate extension of the determination period was therefore agreed with the applicant.

## 6. RECOMMENDATION

The Local Planning Authority considered that the details submitted latterly pursuant to Condition 8 of planning permission 18/00793/F are acceptable, and as such it is recommended that the said condition is discharged.

### Planning Note:

This permission does not imply and shall not be deemed to imply approval for any change of use of land to a residential use of any land which falls outside of the site boundary of the original permission 16/01563/F. The approved landscaping details include land between the means of enclosure and the house which falls outside of the site boundary of the aforesaid permission, and which may not be used lawfully for residential purposes. Planning permission would need to be obtained from the Cherwell District Council for the lawful use of this land for residential purposes. The applicant is invited to seek clarification on the matter from the local planning authority.

Case Officer: Bob Neville

DATE: 28.01.2020

Checked By: Nathanael Stock

DATE: 28.01.2020

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