

<b>APPLICATION NO.</b>	<a href="#">P23/S2644/S73</a>
<b>APPLICATION TYPE</b>	SECTION 73
<b>REGISTERED</b>	4.8.2023
<b>PARISH</b>	BECKLEY
<b>WARD MEMBER</b>	Tim Bearder
<b>APPLICANT</b>	Mr A. Howard
<b>SITE</b>	Ten Acre Farm New Inn Road Beckley, OX3 9SS
<b>PROPOSAL</b>	Variation of condition 2 (Approved Plans) on application reference number P23/S0291/FUL (As amplified by energy statement received 22 September 2023)  (Proposed Demolition of Barns and Erection of Single Dwelling) - to provide for amendments on the first and ground floors.
<b>OFFICER</b>	Paul Bowers

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**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the officer's recommendation that **planning permission should be granted** having regard to the material planning considerations and the development plan.
- 1.2 The application site is located to the south of the village of Beckley and accessed via New Inn Road. The site is located in the Oxford Green Belt.  
  
A plan identifying the location of the site can be found at **Appendix 1**.
- 1.3 The subject site comprises a cluster of agricultural buildings set around a courtyard, within the wider Ten Acre Farm site. The site to the east is in separate ownership and in a mixture of agricultural, equestrian, and holiday let use.
- 1.4 In 2022 an application was made under reference P22/S2668/N4B under permitted development rights for the prior approval from the council to convert two existing agricultural buildings to form two separate dwellings. Prior approval was granted on the 8 September 2022. This has not been implemented but remains extant and can be implemented.
- 1.5 In May of this year planning permission was granted under application reference P23/S0191/FUL for an alternative scheme for the demolition of the buildings and erection of a single, one and half storey house with associated parking and amenity space.

The plans showing the approved scheme can be found at **Appendix 2**.

1.6 This application is made under Section 73 of the Planning Act and seeks to vary Condition 2 (approved plans) of planning permission P23/S0291/FUL to allow for the following;

- Provision of a 1m increase in height to enable the first floor to accommodate an additional bedroom.
- Five windows would be introduced to the first floor on the southern elevation.
- On the ground floor it is proposed that the timber framed entrance way and windows on the southern elevation are re-sited and re-scaled.
- The number of openings on the northern elevation is to remain as proposed, with the openings re-sited and re-scaled.
- A single first floor window is to be removed from the eastern elevation, and the two openings on the western elevation re-sited and re-scaled.

1.7 A selection of plans accompanying the application can be found at **Appendix 3**. These include elevation drawings which show a dotted line denoting the height of the building as approved.

All the plans and representations can be viewed on the council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number

## 2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Beckley Parish Council** – Object to the development because the application is not in keeping with surrounding buildings of bungalows and chalet bungalows and will set a precedent.

**Neighbour responses** – None received.

**Highways Liaison Officer** – No objection subject to conditions.

## 3.0 **RELEVANT PLANNING HISTORY**

3.1 [P23/S0291/FUL](#) - Approved (23/05/2023)

Proposed Demolition of Barns and Erection of Single Dwelling. As clarified by energy statement received 15 May and as amended by drawings received on 16 May 2023.

[P22/S2206/PEM](#) - Advice provided (05/10/2022)

Proposed conversion of an existing stable building and adjacent office building to a single storey 4-bed dwelling with associated amenity space provision (including demolition of an existing single storey timber stables block)

[P22/S2668/N4B](#) - Approved (08/09/2022)

Conversion of two agricultural buildings into two dwellings.

[P20/S4083/FUL](#) - Withdrawn (09/12/2020)

Proposed demolition of existing brick and wood built barns and outbuildings and construction of new 4 bedroom farm house.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV3 - Biodiversity

ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)

EP4 - Flood Risk

H1 - Delivering New Homes

INF4 - Water Resources

STRAT1 - The Overall Strategy

STRAT6 - Green Belt

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Beckley and Stowood Parish Council is working on a neighbourhood plan which has recently been submitted to South Oxfordshire District Council.

The publicity period on the draft plan concluded on 2 March 2023. The draft plan documents and comments received during the publicity period have now been submitted for independent examination. At this stage the plan carries limited weight.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to differing

proposed conditions, planning permission should be granted. If permission is required to be granted subject to the same conditions as those to which the previous permission was granted, they should refuse the application.

- 6.2 Paragraph 015 of NPPG notes 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. Furthermore, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. A section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.
- 6.3 It is not intended to go through all the planning issues that were assessed in connection with the principle of development on the site given that this has recently been considered and determined to be acceptable. Given the context of the changes, the conditions being varied and the reasons for applying them, it is only necessary to consider the impact of the changes.
- 6.4 The main issues to consider in relation to this proposal are;
- **Whether there has been any material change in site circumstances or planning policy in the intervening time between the grant of planning permission and now.**
  - **Impact on the Green Belt.**
  - **Impact on the character and appearance of the area.**
  - **Impact on parking provision.**
  - **Carbon reduction.**
  - **Conditions.**

- 6.5 **Whether there has been any material change in site circumstances or planning policy in the intervening time between the grant of planning permission and now.**

The development plan has not altered since the recent grant of planning permission.

There has been no material change in the wider locality since the grant of planning permission that would affect this development.

- 6.6 **Impact on the Green Belt.**

The replacement of the existing buildings with a new dwelling was considered acceptable in terms of the impact to the Green Belt in the assessment of the original permission.

6.7 Application P23/S0291/FUL, through the demolition of all four agricultural buildings reduced the site's built volume from 764.6m<sup>3</sup> to 497.4m<sup>3</sup> providing a 35% reduction against the existing built form.

6.8 This proposal seeks permission for a larger building than the one permitted and involves increasing the height of the building by one metre.

The revised plans would see the total volume as 520.9m<sup>3</sup> which represents a reduction in volume of 31.8%.

6.9 The proposed building will still have a smaller volume than the buildings that it will replace. Consequently, the impact on openness will not be greater than the existing situation. The development in this alternative form will remain in accordance with Green Belt policy both nationally and locally.

**6.10 Impact on the character and appearance of the area.**

Policy ENV1 states that South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular trees.

Policy DES1 of SOLP seeks to ensure that all new development is of a high quality design subject to a series of criteria.

Policy DES2 of SOLP states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.11 The demolition of the existing buildings and replacement with the approved single building of simple design and proportions along with a general 'tidy up' that will follow with the formalisation of the domestic use of the site was considered to result in a significant improvement to the character of the site and its contribution to the wider landscape.

6.12 The Parish Council contend that, in its amended form, by increasing the height of the building to create a fully two storey dwelling it will be at odds with the character of the area, particularly the properties on New Inn Hall Road to the east and northeast which are predominantly one and half storey or single storey in height.

6.13 I have considered the heights of these properties and they vary between 4.6 metres and 7.7 metres in height.

The approved dwelling on this site has a height of 5.9 metres with the first floor contained within the roof space. The proposed dwelling the subject of this application is 6.9 metres in height with a full first floor height but shallow pitched roof. This is compatible to the heights of those properties in the locality.

6.14 However, I do not consider this to be an overriding issue given that this site and the property will be seen in isolation and some significant distance away from those properties which extend along the eastern side of New Inn Hall Road leading northward into the centre of the village.

6.15 The overall design and appearance of the proposed dwelling does not differ significantly from that of the building which was previously approved. In your officers view this development will still provide a 'tidying up' of the overall appearance of the site with a building that is acceptable in terms of its design and overall impact on the character and appearance of the area. The development remains compliant with policies DES1, DES2 and ENV1 of the South Oxfordshire Local Plan.

**6.16 Impact on parking provision.**

The revised plans result in the increase in the number of bedroom from 3 to 4. This has been considered by the Highway Authority and given that the access is not being altered and the available space for parking and manoeuvring remains acceptable they do not object to the development.

**6.17 Carbon reduction.**

The original planning application demonstrated that the development would comply with Policy DES10 of the South Oxfordshire Local Plan and result in a design that would achieve a 40% reduction in carbon emissions over and above the Building Regulations. As this is a revised design the energy statement has been updated. It again demonstrates compliance with Policy DES10.

**6.18 Conditions.**

Although Condition 2 is the only condition which is specifically being altered to substitute the previously approved plans with new plans this does have consequences for other conditions. These are summarised below;

Condition 1 is also altered to specify the date of the expiration of the three-year period from the original permission being granted. This is because a Section 73 application cannot be used to gain a further three-year period and must relate back to the original permission.

Condition 3 and 4 which relate to drainage details are amended to reflect the details that have recently been submitted to the council and found acceptable by your Drainage Engineers. The conditions now require the development to be carried out in accordance with these approved details.

Condition 5 which related to land contamination and the requirement to provide a phased risk assessment is no longer necessary. The requirement of a phase 1 desk study and site walk over to identify contamination has been carried out and has not identified potential sources of contamination.

Condition 6 related to remediation of any identified contamination before occupation. This is no longer necessary, and this condition is not included in this recommendation.

Condition 5 (formerly condition 7) is amended to reflect the fact that materials have now been approved and the condition changed so that the development must be carried out in accordance with the approved materials.

Condition 8 (formerly condition 10) is updated to reflect the new plan number showing the parking provision.

**7.0 CONCLUSION**

7.1 The changes to the approved plans most notably increasing the height of the dwelling by 1 metre do not result in a materially greater impact on the openness of the Green Belt, the character of the area or parking provision. The development remains compliant with the development in conjunction with the attached conditions.

**8.0 RECOMMENDATION**

8.1 **That Planning Permission is granted subject to the following conditions;**

**Standard conditions –**

**1 : Time Limit - Variation of Condition**

**2 : Approved plans**

**Compliance conditions -**

**3 : Surface Water Drainage**

**4 : Foul Water Drainage**

**5 : Schedule of Materials**

**Prior to occupation conditions -**

**6 : Bat Box**

**7 : Energy Statement Verification**

**Compliance conditions -**

**8 : Parking & Manoeuvring Areas Retained \***

**9 : Electric Vehicles Charging Point (implementation)**

**10 : Demolish specified buildings**

**11 : Withdrawal of P.D. (Part 1 Class A) - no extensions etc**

**12 : Unsuspected Contaminated Land Condition**

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