

18th May 2021

Our Ref: ADM.LPC5093

Cotswold District Council
Development Management
Trinity Road
Cirencester
GL7 1PX

Dear Sir/Madam

**Application to vary condition 10 of planning permission reference
CT.4723/H (03/02092/FUL) – Conversion of farm buildings to form
dwelling and annex at The Home Farmhouse, Bagendon, GL7 7DU**

Further to my client's letter to your Council and Harrison Bowley's response dated 2nd March 2021, I have been instructed by Mr J Rigg to apply to vary the above condition of planning permission. This condition restricts working on the buildings to four months of the year, March, April, September and October, and although the decision notice gives no reason for this condition, it was imposed to protect bats.

As set out in the applicant's letter that was received by your Council on 1st March, work commenced on the conversion of the building before the expiry of its time period, with the conditions precedent having been discharged. There was email correspondence between the previous owner's agent, Robert Hardwick and your Council in September and October 2008 regarding what work would constitute a lawful commencement of development, which culminated in an email dated 24th October 2008 from the Senior Planning Officer, Claire Baker, that elements of the work that would constitute the commencement of development was the formation of external openings within the barn and the removal of internal walls. That work was undertaken within the prescribed timeframe and a subsequent email from Robert Hardwick, evident on your file, confirmed that this had been done. The Planning Officer responded asking if there was a photograph with a date on it confirming this, but Mr Hardwick said that he would be submitting them but was having trouble printing photographs with a date shown on them. I did not see any photographs of the work on the application file but there is written evidence that the work specified by the case officer had commenced.

Mr Bowley advised that an application could be made to amend the approved plans list, but inspection of the decision notice reveals that there is no such list, a matter that could be rectified by the determination of this application.

Mr Bowley also suggested that an application for a Certificate of Lawfulness could be obtained but that is not essential as there is evidence on your file that the use was lawfully commenced. However, the applicant does not wish to carry out further development for the conversion of the building in breach of condition 10, which clearly restricts the time when works can take place. Accordingly, he instructed CTM Wildlife to inspect the building, carry out surveys and a copy of the report is attached. The results of the survey are set out in the accompanying report, which also confirms that a licence from Natural England will be required and adds that there should be no restrictions on the time of year for the proposed works, subject to any restrictions imposed by Natural England as part of the licencing for the work. Accordingly, there should not be any restriction imposed on the permission, with the report also advising on the time when further work should commence, September – February, outside the bird nesting season, and my client will be happy to abide by that recommendation. I also attach a report setting out the mitigation strategy.

In view of the above, I trust that you will agree that limiting the works on the building to the four months specified is not appropriate or necessary and that you will issue a new decision notice incorporating conditions such as those discussed within this letter. Numerous matters from the original conditions have already been discharged and it should not be necessary to repeat those or, if it is considered that would be appropriate, it could be stated in an informative that these were discharged on 7th January 2009.

Should the Case Officer have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

Andrew Miles
Director