

The Old Bank
39 Market Square
Witney OX28 6AD

Our Ref: 728/2760
Your Ref: 18/02236/FUL

11/10/2021

Dear Sir or Madam,

VARIATION OF CONDITIONS FOR PLANNING PERMISSION 18/02236/FUL

I write to submit information to vary conditions 1 and 2 attached to planning permission 18/02236/FUL, which relates to the access track to the north of Beaconsfield Farm, Great Tew. This application is made on behalf of the current owners of the land, Mr and Mrs Clarry (hereafter known as the applicant). Planning permission was granted on 5th November 2019 for “Construction of an agricultural access track. (Retrospective).”

Edgars on behalf of the applicant has been in discussions with Planning Officers (Phil Shaw and Kim Smith) at West Oxfordshire District Council regarding the access track and this application is submitted as a result of those discussions.

The applicant wishes to vary the planning conditions under Section 73 of the Town and Country Planning Act 1990. The application to vary these conditions has been made via the planning portal under reference PP- 10052068.

Background

The track was constructed by the Great Tew Estate and substantially complete in March 2018 without the benefit of planning permission. The track is constructed of hardcore and runs north-south from the road between Ledwell and Great Tew and Beaconsfield Farm. A post and rail fence approximately 1.2m in height was constructed at the same time as the track, and a hedge planted later both of which run parallel to the east of the track for its full length. A well-established hedgerow marking field boundaries runs along the western side of the northern part of the track.

Mr and Mrs Clarry acquired Beaconsfield Farm in 2018 with the intention of using the Farmhouse as a primary dwelling whilst also running Beaconsfield Farm and associated land. The access track had already been constructed by the Great Tew Estate. The Estate was in the process of obtaining retrospective planning permission for the track.

Retrospective planning permission was granted on 5th November 2019 for the track. The consent required remediation works to be undertaken including the removal of the fence and hedge and for the track to be surfaced with 50mm ‘rootzone’ soil and seeded with drought tolerant grass mix. Three planning conditions were attached to the planning consent, relating to the provision of a

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landscaping scheme, the surfacing of the track in accordance with the planning permission and measures to avoid harm to archaeological remains. These conditions were not discharged, and the track has remained as it was built by the Great Tew Estate.

The consented scheme is not suitable for the applicant's needs and they applied for planning permission for an amended scheme including altering the surfacing of the track and the provision of landscaping more rural in character, however this was refused in February 2021. Following this, Edgars has positively engaged with the Council on the applicant's behalf to seek to agree an amended scheme for the track and mechanism for securing this. The landscaping scheme needs to be fit for purpose for the applicant and also address the Council's concerns regarding the visual impact of the track upon the wider landscape. The conditions need to be varied in such a way to protect the Council's position and secure a practical solution for the applicant.

Variation of Conditions

Edgars welcomes the positive engagement of Officers on this matter and has discussed the submitted landscaping plan and variation of conditions with the Council. The submission is in accordance with what was agreed during those discussions.

Condition 2 of 18/02236/FUL sets out that a landscaping scheme must be submitted which shall detail the removal of the post and rail fence and the non-provision of the hedge adjoining the track. This section 73 application seeks to vary this condition so that landscaping can be implemented in line with the submitted plan 1649 L6 D, which has been discussed with Planning Officers.

Given that the southern part of the track is not as visible in wider views or the public realm, and that it is adjacent to fields which may be used to hold livestock or horses it has been agreed with Officers that it is reasonable to retain the adjacent fence and hedge on this part of the track. This is shown on the submitted landscape plan. The fence and hedge north of the halfway point of the track (the field boundary) will be removed. In addition, to reduce the visual and landscape impact of the northernmost part of the track which is the most visible (north of the existing mature tree group labelled on the plan), it is proposed that the track will be surfaced as per the 2018 planning permission (50mm 'rootzone' soil and seeded with drought-tolerant grass mix) with tree planting only in the form of three clusters of trees. The surfacing and tree planting south of this point will remain unchanged.

It is therefore proposed that the wording of condition 1 is varied so that the track and landscaping can be implemented as per the submitted plan which details the above. The condition would be worded so that the use of the track will have to cease should the plan not be implemented within a certain timeframe as per the original condition.

Condition 2 seeks to ensure that the track is surfaced as per the details submitted with the 2018 planning permission. As set out above, it is proposed that the existing hardcore surfacing is retained on the less visually sensitive part of the track, and the northernmost part of the track surfaced with the 50mm 'rootzone' soil and seeded with drought-tolerant grass mix. It is therefore proposed that this condition is amended to refer to the northernmost section of the track.

Condition 3 is unchanged.

The existing and proposed varied wording of the conditions are set out in the table below.

Existing Condition Wording	Proposed Condition Wording
<p>1. No use shall be made of the track hereby approved, or within 2 months of the date of this permission whichever is the sooner, until such time as a revised landscaping scheme (detailing the removal of the post and rail fence in its entirety and the non-provision of the hedge adjoining the track) along with the provision of the other proposed landscape works has been submitted to and approved in writing by the LPA. The approved landscaping details shall be implemented in full in the first planting season following the agreement of the said details and shall be retained in place thereafter.</p>	<p>1. No further use of the track shall be made by any vehicle after six months following the date of this permission if the landscaping scheme, submitted with this application (1649 L6 D), is not fully implemented in accordance with the details set out within that scheme. For the avoidance of doubt the scheme requires the removal of the existing post and rail fence and hedge to the east of the track for the entirety of its northern section, between the Ledwell Road and the first field hedge to the south, and the resurfacing of the track with a drought-resistant seeded soil mix to a depth of 50mm and the removal or replanting of trees in accordance with the tree planting details on the approved landscaping scheme for the northernmost section of track between the Ledwell Road and the existing mature tree group. The track will be retained thereafter in accordance with the landscaping scheme, unless otherwise agreed in writing with the Local Planning Authority.</p>
<p>2. The track hereby approved shall only be surfaced as per the details contained in the application and shall not be repaired, upgraded or resurfaced other than as approved without the prior express planning permission of the LPA.</p>	<p>2. No further tree or shrub planting, or any surfacing, repair, upgrading or resurfacing works to the track shall take place along the same northernmost section of the track described above in condition 1 and indicated on plan 1649 L6 D unless otherwise agreed in writing by the local planning authority.</p>
<p>3. In the course of undertaking all works or remediation and landscaping, measures shall be put in place to ensure that contractors are aware of and undertake works to avoid damage to the remaining archaeological remains alongside the track in accordance with a briefing note first agreed in writing by the LPA.</p>	<p>3. In the course of undertaking all works or remediation and landscaping, measures shall be put in place to ensure that contractors are aware of and undertake works to avoid damage to the remaining archaeological remains alongside the track in accordance with a briefing note first agreed in writing by the LPA.</p>

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Summary

This application seeks to vary the wording of the conditions attached to planning permission 18/02236/FUL. This follows discussions with Officers from West Oxfordshire District Council who are in agreement with this approach. It is considered that this is reasonable and in accordance with national planning guidance and legislation.

I trust that the above is self-explanatory and that you have the requisite information however, if you require anything further please do not hesitate to contact me.

Yours sincerely,

Jon Westerman

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