

28th February 2024

Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
GL5 4UB

Dear Sirs,

S73 Application for Variations to Approved Plans Under Condition 2 of Appeal Decision Notice APP/C1625/W/22/3313131 (original application ref. S.22/1348/FUL) for Erection of 3 Bedroom Dwelling with Ancillary Site Improvements

Land at 1 Manor Farm House, School Lane, Whitminster, GL2 7NT

On behalf of our client please find enclosed an application made under Section 73 of the Town and Country Planning Act 1990 for a variation of a condition to the above planning permission.

This application has been submitted via the Planning Portal and includes:

- The application forms
- This cover letter and explanation
- Site location plan
- Revised plans, elevations and site plan
- Relevant CIL form
- The planning application fee of £298.00

This application seeks planning permission for variations to the approved plans under the extant appeal decision notice APP/C1625/W/22/3313131 for the erection of a 3 bedroom dwelling with ancillary site improvements at 1 Manor Farm House, School Lane, Whitminster.

The proposed changes are set out on the accompanying drawings and have come about through further detailed design refinement in the build up to works starting on site.

CHELTENHAM 12 ROYAL CRESCENT GL50 3DA T: 01242 231575
GLOUCESTER 9 COLLEGE GREEN GL1 2LX T: 01452 527997
LONDON 19 EASTBOURNE TERRACE W2 6LG T: 020 3763 8005

Minor material amendments to the approved plans

There are a number of alterations to the approved scheme for which approval is sought by varying condition 2 of the planning permission to update the approved drawing list.

In summary, the proposed changes to the approved scheme include a mono-pitched roof over the study to provide better insulation and internal head height, a wider window opening to the left of the front door to facilitate an internal layout change, a wider matching bedroom window above for balanced aesthetics, additional PV panels to the rear for electric vehicle charging, and changes to the materials for the replacement garage to match the render of the new dwelling.

The National Planning Practice Guidance (PPG), paragraph 013 (17a-013-20230726), confirms the use of Section 73 applications for varying or removing conditions associated with planning permission. This includes seeking amendments to relevant conditions, provided they are material and relate solely to the conditions, not the core permission itself.

While the previous PPG guidance mentioned "minor material amendments," the revised paragraph removes this specific term following decisions in the Courts. The current PPG clarifies that there is no statutory limit on the extent of permissible changes under Section 73, as long as they meet the materiality and condition-related criteria.

The recent *Armstrong v Secretary of State* (2023) case reinforces this point. The Court ruled that Section 73's scope is not limited to "minor material amendments," providing more flexibility for amendments, potentially including substantial changes.

However, in this case, the alterations to the external appearance and other changes to the proposals clearly fall within the scope of material amendments allowed for via s73 of the act. Utilising Section 73 for this application is therefore appropriate and aligns with the current PPG and relevant case law.







Condition 2 of the decision notice ref. 22/03365/FUL states:

"The development hereby permitted shall be carried out in accordance with the following approved plans: Location & site plan, drawing no. P01a; Proposed site plan, drawing no. P-02f; Proposed floor plans and site section, drawing no. P-03d; Proposed elevations, drawing no. P-04b; Proposed garage & carport, drawing no. P-05a."

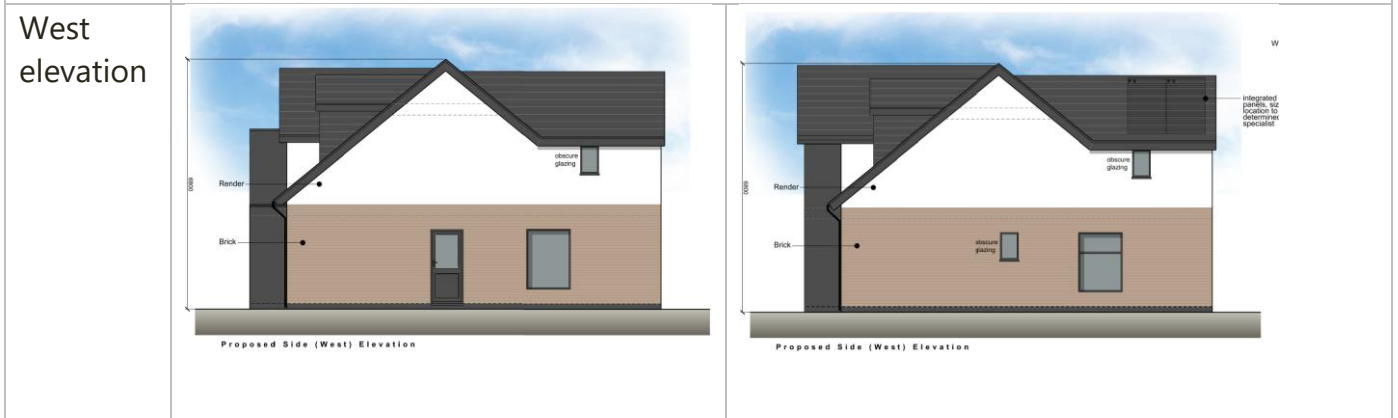
This application seeks to amend the condition to now include the following amended plans:

'The development hereby approved shall be carried out in accordance with the following drawing number(s): P01c-M.Farm Existing Location and Site Plans3; P02h-M.Farm Proposed Site Plan; P03f-M.Farm Proposed Floor Plans and Site Section2; P04d-M.Farm Proposed Elevations2; P05b-M.Farm Proposed-Garage and Carport.'

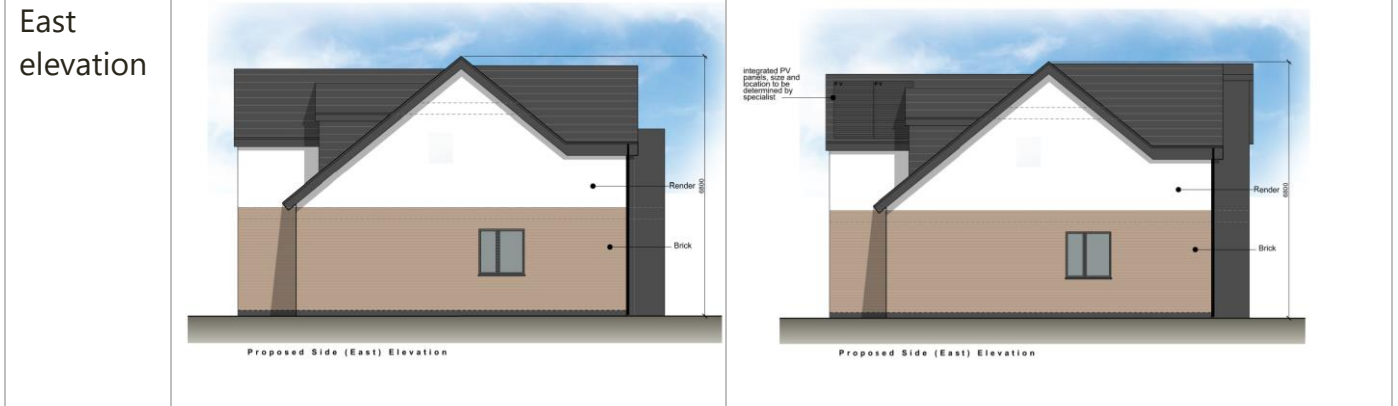
In relation to the changes sought, further summaries and comparisons are set out in the table below for ease of reference:

Item	Approved elevation / site plan	Proposed elevation / site plan
Floor plan and site section		
<p>Changes: Minor layout/floor plan modifications.</p>		
South elevation		
<p>Changes: Rearranged and potentially increased size and location of photovoltaic (PV) panels for car charging (exact design and specifications to be determined by a solar specialist).</p>		
North elevation		
<p>Changes:</p> <ul style="list-style-type: none"> • Replacement of flat roof above the study window with a mono-pitched roof to: <ul style="list-style-type: none"> ○ Improve insulation u-value for enhanced energy performance 		

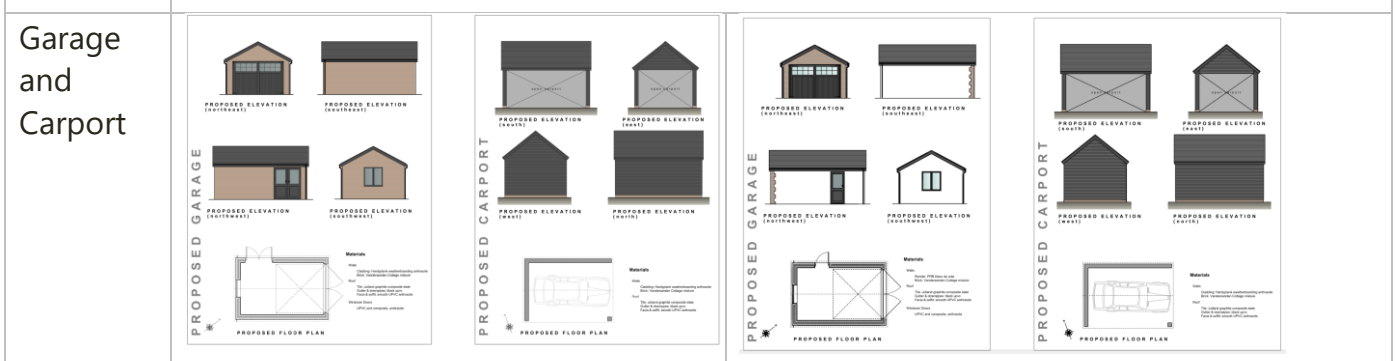
- Increase internal head height
- Enhance external aesthetics
- Simplify construction
- Widening of window opening to the left of the front door with a clad block pillar between windows. This allows for an internal wall to be built, separating the WC from the utility area for improved functionality.



Change: Removal of the single door and its replacement with a small window featuring obscure glazing. Replacement with a new window design.



Change: No changes other than the previously mentioned mono-pitched roof.



- Change:
- Conversion of the double garage doors to a single door located on the northwest side of the wall.
 - Change to materials for the replacement garage:
 - Front elevation retains the original, reclaimed bricks from the existing garage.

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| | <ul style="list-style-type: none">○ Side and rear elevations utilise render that matches the new dwelling, creating a cohesive aesthetic and avoiding the introduction of new materials. |
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The proposed amendments comply with the Section 73 regulations and will not fundamentally alter the approved development. The proposed changes maintain the overall design aesthetic and character of the scheme continue to comply with the Stroud District Residential Design Guide as well as other relevant design policies in the development plan and NPPF.

Summary and conclusions

I trust you will find the variation of condition 2 to be acceptable as sought. If you require any further information at any stage, please do not hesitate to contact me.

I ask that we be advised if officers have any intention of doing anything other than approving this application under delegated authority.

Yours sincerely

Paul Jenkins MRTPI
SF Planning Ltd.