

FOR OFFICE USE

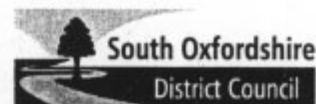
Application Ref: _____

Date of Deposit: _____

RETROSPECTIVE

Planning Application - Part 1

Application for permission to carry out development under the Town and Country Planning Acts.



Listening Learning Leading

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in the space. Submit FOUR copies of this form and plans. Please read the GUIDE TO HELP APPLICANTS before you complete this form.

1. Name and Address of Applicant

MR + MRS B.J. PROBERTS
RIVERSIDE COTTAGE,
BRIDGE ROAD, IFFORD
Postcode BUCKS
Daytime Tel No _____
Email _____

2. Name and Address of Agent *

Postcode _____
Contact Name _____
Tel No _____
Email _____

* If the applicant has an agent, all correspondence will be sent to the agent

3. Site address or location WINDMILL MEADOW, WINDMILL ROAD,
TOWRSEY, OXON OX9 3QQ.
Grid Reference: _____

4. Area of application site 8093.5 m² 0.81 hectares

5. Description of proposed development TO RETAIN EXISTING MOBILE
HOME LEFT BY PREVIOUS OWNER AND USE IT AS
TEMPORARY OVERNIGHT ACCOMMODATION WHEN MARES
ARE FOLLING AND SHEEP LAMBING.

6. Plans accompanying the application

(PLEASE TICK)

(PLEASE TICK)

Location Plan (1:2500 or 1:1250 scale) ☒

Block Plan (1:500 scale) ☒

Detail Drawings (floor plans, sections, elevations) ☒

7. Does the application involve any of the following? (PLEASE TICK BOX OR BOXES)

Change of use ☐
Alteration or extension ☐
Engineering or other operation ☐

New building ☐
Demolition ☐

P07/E 1209/12

8. What kind of application is this?

(PLEASE TICK ONE BOX ONLY)

Full permission ☒
Outline permission (see Question 9) ☐
Approval of details (Reserved matters) ☐
Temporary permission or renewal
of previous temporary permission ☐
Relaxation of conditions ☐

State relevant outline permission no. _____
State period required or
previous application no. _____
State relevant application no. _____

(Please amplify your application in a covering letter)

DATA PROTECTION ACT 1984

Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984 and as such will be held on the Council computer (such as SOLAPS applications processing systems and our web site) and may be used by the Council only for the purposes registered under the terms of the Data Protection Act.



9. Outline applications (Which of the following do you wish to be considered as part of the application)

External appearance ☐ Design ☐
Means of access ☐ Landscaping ☐
Siting ☐

10. What is the existing use of the land? EQUINE + AGRICULTURAL
e.g residential. If the site is vacant ,
say so and also state its previous use.

11. Is there any public right of way across or bordering the site? ☐ Yes ☒ No
(If YES, show clearly on the plans.)

12. Where new building is proposed.
(a) State material and colour of walls MOBILE HOME
(b) State material and type of roof covering

13. How will surface water be disposed of? N/A

14. How will foul sewage be disposed of? TEMPORARY TOILET CUBICLE FOR YARD AND CHEMICAL TOILET IN MOBILE HOME DISPOSED

15. Is it proposed to construct a new access or alter an existing access? OP BY CO. ROSTED FROM
If so please give details. NO

16. If the proposal involves residential development, please give the information requested.	No of new dwellings proposed		No of existing dwellings to be retained	
	House			
	Bungalow			
	Flat/Maisonette			
	Other	<u>MOBILE HOME</u>	<u>ALREADY SITED</u>	

17. Does the proposal involve any non-residential building or use? ☒ Yes* ☐ No
(* If YES please complete Application Form Part 2)

18. Does the proposal involve the extraction of minerals or disposal of waste materials (i.e.Tipping) ☐ Yes ☒ No

I hereby apply for planning permission for the proposal described above and in the attached plans and drawings.

(PLEASE TICK ALL BOXES)

I attach 4 copies of the completed Application Form Part 1, AND ☒

I attach 4 copies of the completed Application Form Part 2 (where relevant), AND ☒

I attach 4 copies of each of the plans specified at item 6 overleaf, AND ☒

I attach a completed Ownership Certificate, AND ☒

I enclose a completed fee form and a fee of £ 265.00

P07/E1209/

Signer

On behalf of: MR + MRS B.J

Date 7/9/2007

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary is clearly edged RED on the plans. Any adjoining land owned or controlled by the applicant should be edged BLUE. AN INCORRECT APPLICATION WILL BE RETURNED. See GUIDE TO HELP APPLICANTS.

PLANNING

Planning Application - Part 2



Listening Learning Leading

This part of the form need only be completed if the application involves non-residential development. Please answer **ALL QUESTIONS** in **BLOCK LETTERS**. If a question is not applicable, answer N/A in the space. You may wish to amplify your answers in a covering letter. Please read the **GUIDE TO HELP APPLICANTS** before you complete this form.

19. State the gross floor space (by external measurement) of all buildings to which this application refers. Please give all floor areas in **SQUARE METRES (m²)**.

	User Class	Existing floorspace (m²)	Proposed change + or - (m²)	Total (m²)
A1	Shops			
A2	Financial & professional services			
A3	Food and drink			
B1(a)	Office (other than A2)			
B1(b)	Research & development			
B1(c)	Light industrial			
B2	General industrial			
B8	Storage or distribution			
C1	Hotels			
C2	Residential institutions			
C3	Dwellings			
D1	Non-residential institutions			
D2	Assembly & leisure			
	Other please specify			

20. If a C1 or C2 use is proposed please state number of bed spaces

	C1	C2
21. What provision has been made for parking?	No of cars Existing 2/3 Proposed	No of lorries 1 horse box or tractor
What is the estimated number of vehicles going to the site in a normal working day	1 to 2	very rarely

22. Describe the activity or processes to be carried on (Provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter)

23. Who will occupy the premises? (a) Give the name and current operating address of the proposed occupier (b) Will these premises be vacated?

25. How many people are likely to be employed on site after completion of the development?

Existing Staff: Transferred: New Staff: TOTAL: N/A.

26. Does the proposal involve the use or storage of any hazardous substances as listed overleaf? (If so state which material, the quantity and the method of storage)

NONE P07/E12091

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged RED on the plans. Every application must be accompanied by the appropriate certificate and fee. AN INCORRECT APPLICATION WILL BE RETURNED. See GUIDE TO HELP APPLICANTS.

12 SEP 2007

PLANNING



Town and Country Planning General Development Procedure Order 1995

Certificate under Article 7 ownership certificates



Listening Learning Leading

Certificate A

Should be used where the applicant owns all the land to which the application relates.

Certificate B

Should be used where the applicant does not own all the land to which the application relates but knows the name and address where the appropriate notice can be served.

Certificate C & D

Should be used where the applicant does not know the names or contact addresses of all or any of the owners of any part of the application site. Provisions must be made to advertise the proposal in a newspaper circulating in the area where the land is situated.

Certificate C & D

Are rarely required. They are not included in this application form package. The Council will supply these forms on request.

Please complete the appropriate certificate

P07/E 1209/da

Certificate A

I certify that:

1. On the day, 21 days before the date of the accompanying application, nobody except the applicant was the owner* of any part of the land to which the application relates.

Please delete EITHER 2(i) or 2(ii) whichever is not appropriate

2. (i) None of the land to which the application relates is, or is part of, an agricultural holding**.

(ii) I have given the required notice to every person other than myself who, on the day 21 days before the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name _____

Address at which notice served _____

Date notice served _____

Signed _____

On behalf of _____

Date _____

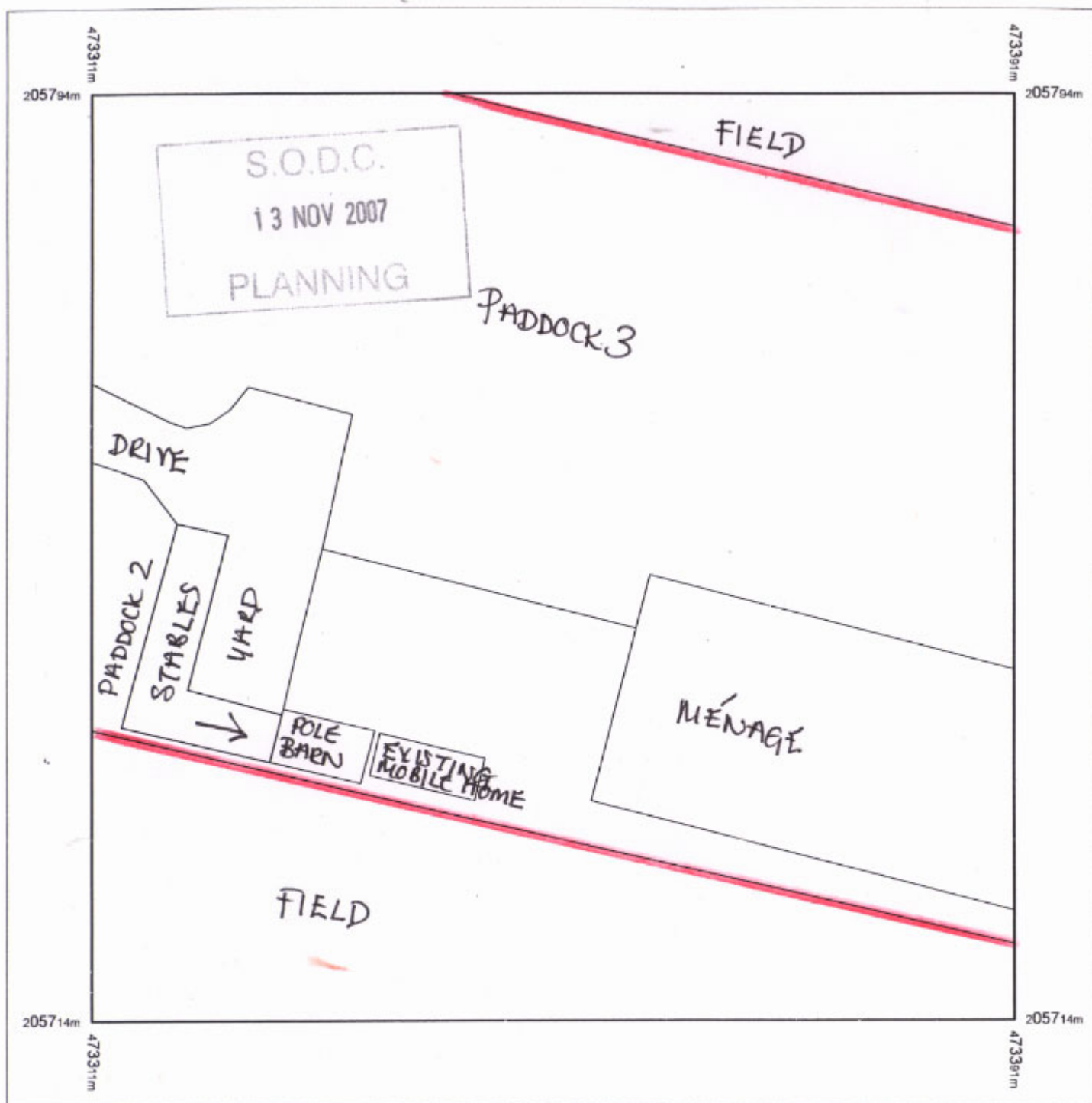
B.J. + G.N. PROBERTS
7th SEPTEMBER 2007

* Owner means a person having a freehold interest or a leasehold interest with at least seven years unexpired.

** If the applicant is the sole agricultural tenant delete the first alternative 2.(i) and insert 'not applicable' in the space provided for tenant details.



INVESTOR IN PEOPLE



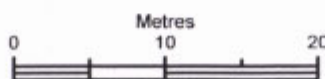
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

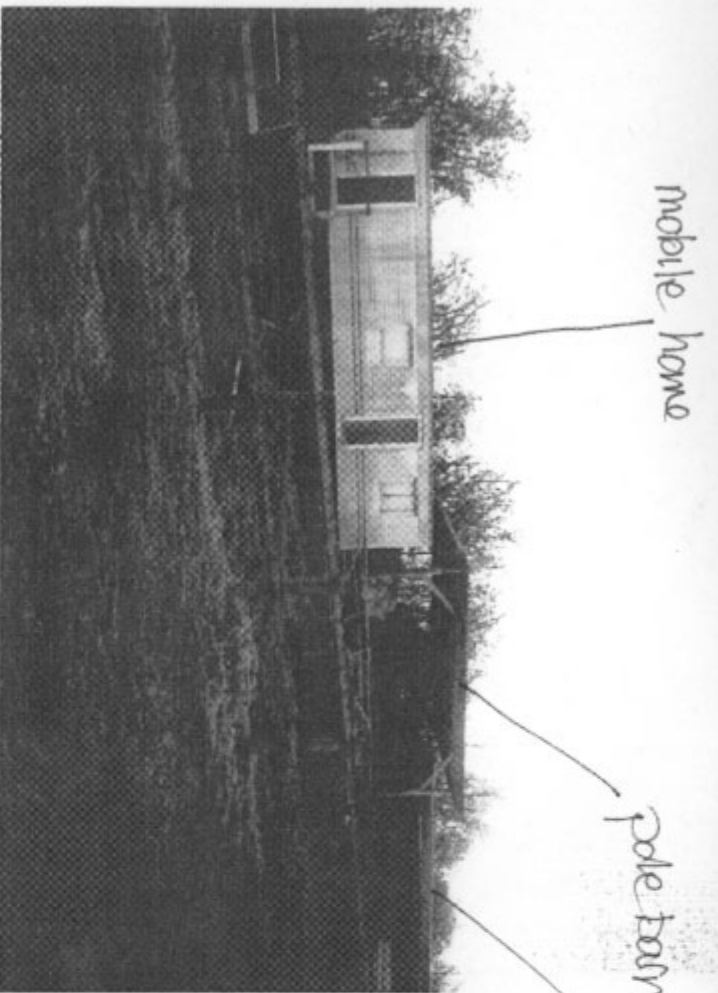


Scale 1:500

Supplied by: **South Oxfordshire D C**
Serial number: 00003500
Centre coordinates: 473351 205754

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

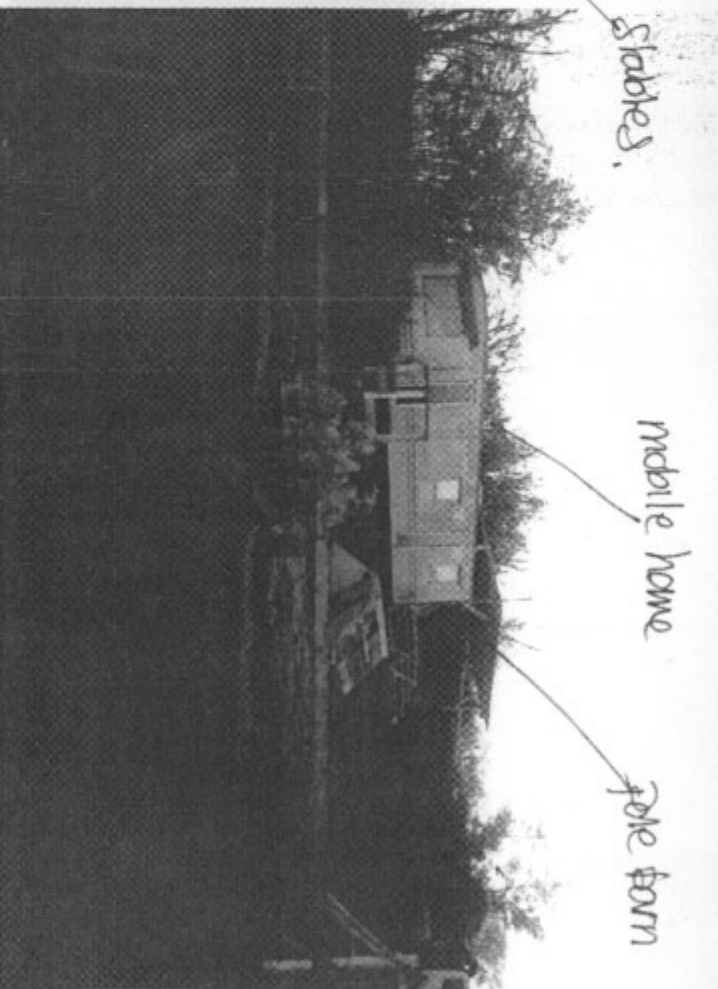
P07 / E 1209



mobile home

pole barn

stables.



mobile home

pole barn

S.O.D.C.
14 NOV 2007
PLANNING/mobile home



pole barn

stables.



mobile home

pole barn

paddock 3

paddock 3.

paddock 3



P07/E 1209

S.O.D.C.
14 NOV 2007
PLANNING



pole
jam

ménage

PLANNING

ELECTRONIC
VERSION

Planning Decision

P07/E1209/RET

Mr & Mrs B J Probets
Riverside Cottage
Bridge Road
ICKFORD
HP18 9HU

REFUSAL OF PLANNING PERMISSION

Application No : **P07/E1209/RET**

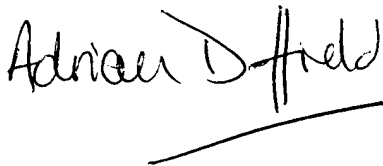
Application proposal, including any amendments :

To retain existing mobile home left by previous owner & use it as temporary accommodation.

Site Location : **Windmill Meadow Windmill Road Towersey OX9 3QQ**

South Oxfordshire District Council hereby gives notice that **planning permission is REFUSED** for the carrying out of the development referred to above for the following reason(s) :

1. That the proposed development is not essential to the proper functioning of a viable agricultural holding and therefore represents an unnecessary encroachment of development into the countryside, which adversely impacts upon the openness and rural character of the surrounding area contrary to policies G2, G4, G6 and A6 of the South Oxfordshire Local Plan 2011.
2. That the proposed development results in the creation of a mobile home site in an isolated and unsustainable location in the countryside, contrary to policies H6 and H15 of South Oxfordshire Local Plan 2011.



Head of Planning



STATUTORY INFORMATIVE

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone : 0117 372 6372
www.planning-inspectorate.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase

his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

OTHER INFORMATION

The Planning Portal contains a huge range of helpful planning-related guidance and services. You may wish to view their website (www.planningportal.gov.uk).



Appeal Decisions

Site visit made on 6 October 2008

by **Tim Belcher** FCII LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.csl.gov.uk

Decision date:
24 October 2008

Appeals A & B Ref: APP/Q3115/C/08/2074268 & 2074269

Windmill Meadow, Windmill Road, Towersey, Oxfordshire, OX9 3QQ

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act).
- The appeal is made by Mr B. J. & Mrs G. L. Probets against an Enforcement Notice issued by South Oxfordshire District Council.
- The Council's reference is EE/03/144.
- The Enforcement Notice was issued on 18 March 2008.
- The breach of planning control as alleged in the notice is without planning permission use of the Land for the stationing of a mobile home for residential purposes.
- The requirements of the notice are (i) Cease the use of the Land for the stationing of a mobile home for residential purposes (ii) Remove from the Land the mobile home in addition to any fixtures fittings (including the stairway leading to the mobile home) and any other items connected with the use of the land for the stationing of the mobile home for residential purposes in addition to any items or vehicles used to comply with the requirements of this sub paragraph (ii) of paragraph 5.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in Section 174(2)(a), (b), (f) & (g) of the 1990 Act.

Appeal C Ref: APP/Q3115/A/08/2073830

Windmill Meadow, Windmill Road, Towersey, Oxfordshire, OX9 3QQ

- The appeal is made under Section 78 of the 1990 Act against a refusal to grant planning permission.
- The appeal is made by Mr B. J. & Mrs G. L. Probets against the decision of South Oxfordshire District Council.
- The application Ref P07/E1209/RET, dated 7 September 2007, was refused by notice dated 30 January 2008.
- The development proposed described as *"To retain existing mobile home left by previous owner and use it as temporary overnight accommodation when mares are foaling and sheep lambing"*.

Decision – Appeals A & B

1. I direct that the Enforcement Notice be corrected by:
 - a) deleting paragraph 3 and substituting, "Without planning permission use of the Land for the stationing of a mobile home used on an occasional basis as a day shelter or for overnight accommodation", and
 - b) deleting paragraph 5(i) and substituting, "Cease the use of the Land for the stationing of a mobile home used on an occasional basis as a day shelter or for overnight accommodation"

- c) deleting paragraph 5(ii) and substituting, "Remove from the Land the mobile home in addition to any fixtures, fittings (including the stairway leading to the mobile home) and any other items connected with the use of the Land for the stationing of the mobile home used on an occasional basis as a day shelter or for overnight accommodation in addition to any items or vehicles used to comply with the requirements of this sub paragraph (ii) of paragraph 5."
2. Subject to these corrections I dismiss the appeals, uphold the Enforcement Notice, and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

Decision – Appeal C

3. I dismiss the appeal.

Procedural Matters – Appeals A & B

4. The Enforcement Notice alleges the stationing of a mobile home for residential purposes. The Appeal B application seeks the use of the mobile home for temporary overnight accommodation. The use of the land is described in the planning application as, *"I wish to use the land to graze my own horses, be able to use the equestrian facilities already installed and have means (other) to care and check welfare of stock when foaling or lambing."* Elsewhere in the appeal documentation reference is made to the use of the mobile home on an occasional basis as a day shelter where hot drinks could be consumed whilst the appellants and their family are on site.
5. It was clear from my inspection of the site and the mobile home that the mobile home was only being used on an irregular basis as a day shelter or for overnight accommodation. In my view the breach of planning control should be amended to that described above. As a consequence of that change it is necessary to amend the steps required as indicated above. I consider that these amendments can be carried out without injustice to either the Council or the appellants.

Ground (b)

6. This ground of appeal is based on the premise that the breach of planning control as alleged in the Enforcement Notice has not occurred as a matter of fact. I have explained above why I have amended the Enforcement Notice to reflect the breach of planning control as described by the appellant and as reinforced by my inspection. I therefore conclude, for the reasons explained above, that this ground of appeal must fail.

Ground (c)

7. There has been no formal appeal on this ground. Personal planning permission for the use of the site for the keeping of horses was granted by the Council in June 1992¹. The condition making the use personal was discharged by way of a conditional planning permission granted by the Council in July 2006². The

¹ Council Ref P92/N0151

² Council Ref P06/E0618/RET

appellants are using the land in part for agriculture as defined in Section 336 of the 1990 Act and also for the breeding and recreational enjoyment of horses.

8. The appellants want to retain the mobile home so as to have overnight accommodation on those occasions when the animals on site (both horses and those kept for agricultural purposes) need care, especially when giving birth and also for the occasional use as a day shelter. However the dividing line between a caravan being ancillary to a main use of land and being used for habitation is a matter of fact and degree. In the absence of this ground of appeal having been lodged I have no information before me as to the number of times that the caravan has been used for the purpose of providing overnight accommodation. In these circumstances I am unable to positively conclude that the permanent stationing of the mobile home for occasional overnight accommodation whilst tending to animals is not a breach of planning control. In the absence of such detailed information I conclude that this ground of appeal would have failed if it had it been formally pleaded.

Ground (a) and the Section 78 Appeal.

9. The appeal site is located within the open countryside. Policy G2 of the South Oxfordshire Local Plan 2011 (the Local Plan) adopted in January 2006 explains that the countryside will be protected from harmful development. Further, Planning Policy Statement 7 *"Sustainable Development in Rural Areas"* (PPS 7) explains that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty so it may be enjoyed by all.
10. The appellants bought the land with the mobile home stationed on it. The mobile home is screened from most views from outside the site by hedging and other buildings on the site. I saw the mobile home from the public highway (Windmill Road) albeit that the view is not particularly prominent in the rural landscape which the site forms part of. However, in my view, the mobile home appears inappropriate in this landscape due to its design and form and the use of light coloured materials. Even if the mobile home could not be seen from the public vantage point referred to above I do not consider that is a good argument for its retention because such an argument could be repeated for many locations within the countryside.
11. I therefore conclude that the stationing of the mobile home in this location is materially harmful to the character and appearance of the area. Accordingly, the breach of planning control fails to accord with Policies G2 and G6 of the Local Plan and advice in PPS 7.
12. I understand that there have been sheep, cattle and pigs kept on the site as well as the brood mares, chickens and geese. Further, I am aware of the appellants' concerns that there is no other way to provide care for livestock especially when they are giving birth. Further still, I understand the appellants' desires to promote the well being of the animals and the financial consequences of failing to provide adequate care due to losses of livestock and vet bills. The appellants have explained that the need for overnight accommodation arises on a relatively infrequent basis. Further, the use of the mobile home as a day shelter is also relatively limited. I am of the view that the necessary overnight accommodation could be provided by the use of a smaller caravan which could be brought to the site when the appellants know

that there is a need to stay overnight. This limited use may or may not need planning permission but the temporary presence of a touring type caravan on a limited number of occasions would reduce the visual harm caused to the character and appearance of the area.

13. I am also aware that no objections have been received relating to the mobile home and that the Parish Council consider that the planning application should be approved. However, neither of these matters outweighs my main concerns regarding harm to the character and appearance of the countryside arising from the presence of the mobile home and the lack of any policy support for the retention of the mobile home.
14. I have also had regard to the possible future use of the site for the conservation, protection and regeneration of rare breeds. Whether a mobile home such as that which is currently present on the site would be needed when the land was used for those purposes needs to be addressed at that time rather than now.
15. I have also considered the other limitations suggested by the appellants e.g. making the permission personal to them; agreeing not to provide mains services to the mobile home; removing all extra beds from the mobile home and removing the mobile home prior to the sale of the land. I do not consider that these conditions either individually or in combination make the retention of the mobile home acceptable.
16. I therefore conclude, for the reasons explained above, that planning permission should not be granted for the mobile home.

Ground (f)

17. This ground of appeal is that the requirements of the Enforcement Notice are excessive and lesser steps would overcome the objection to the retention of the mobile home. The appellants consider that the mobile home should be allowed to remain subject to it only being used as a day room on so many days/weeks per year. The appellants are willing to remove the kitchen from the mobile home thus making it unable to be occupied on any permanent basis. No suggestion was made as to what days or weeks the mobile home could be used as a day room for.
18. I do not consider that the appellants' suggestions would overcome the harm that the mobile home causes to the character and appearance of the countryside as it would still remain on the site when it was not being used. Further, I consider that it would be very difficult for the Council to enforce such a condition. I therefore conclude, for the reasons explained above, that the Ground (f) appeal should fail.

Ground (g)

19. The appellants are of the view that the time given for compliance is too short. They need six months to make alternative arrangements to care for the animals on the site if the mobile home is not available for use. The appellants have explained that the most important time that overnight accommodation is needed is during the springtime. I consider that the mobile home could be removed within the specified time scale and that discussions with the Council

and/or expert advisers can take place to ensure that the animals receive the necessary overnight care (if needed). I therefore conclude, for the reasons explained above, that the Ground (g) appeal should fail.

Overall Conclusions

20. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the Enforcement Notice with corrections and refuse to grant planning permission on the deemed application.

Tim Belcher

Inspector