

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY SOUTH OXFORDSHIRE DISTRICT COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to it that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. It considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED

Land at Emmanuel Ranch (formerly known as Windmill Meadow), Windmill Road, Towersey, Oxfordshire, OX9 3QQ, which is shown edged red on the plan at Attachment 1 (referred to hereafter as “the Land”). For the purpose only of aiding identification the Land is also shown edged red on the accompanying inset map.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the material change of use of the land from keeping of horses to a mixed use, namely 1) keeping of horses; and 2) the stationing of four caravans for residential use, together with facilitating development including: (i) earthworks to clear the site of vegetation and create a development platform (shown hatched black on the plan at Attachment 2); (ii) the laying of a hardstanding driveway and parking and manoeuvring areas (also shown hatched black on the plan at Attachment 2); (iii) the erection of close-boarded fences and ornamental pillars (shown coloured blue on the plan at Attachment 2) and gates (in the approximate location shown on the plan at Attachment 2); and (iv) the installation of poles mounted with external lighting and closed-circuit television surveillance equipment (shown coloured orange on the plan Attachment 2).

4. REASONS FOR ISSUING THIS NOTICE

- a) It appears to the council that the breach of planning control has occurred within the last 10 years.
- b) The unauthorised development is situated in an unsustainable location in the open countryside physically separate and remote from the nearest settlement and without safe and sustainable access to local services and facilities. The development is highly reliant on the use of private motor vehicle to access local services and facilities and does not benefit from any exceptions under either the National Planning Policy Framework or develop plan that would justify its provision in such an isolated and unsustainable location in the countryside. The develop is therefore contrary to policies STRAT1, DES8 and TRANS5 of the South Oxfordshire Local Plan 2035; policy TOW1 of the Towersey Neighbourhood Plan; and government guidance contained in the National Planning Policy Framework and the Planning Policy for Traveller Sites in so far as these aimed at achieving sustainable development.
- c) The lack of a 5-year supply of gypsy/traveller sites under the South Oxfordshire Local Plan 2035 and the personal circumstances of the applicant and his family, are outweighed by other material considerations, including the adverse impacts of the development in terms of the character of the landscape; the intrinsic value of the countryside; the character and visual amenity of the surrounding area; the unsustainable location of the site; the net loss of biodiversity; the failure to adequately address contamination risks; the lack of information regarding sustainable surface and foul water drainage; and the deliberate unauthorised nature of the development. Furthermore, the unauthorised development does not positively enhance the environment and increase its openness. Rather, it has been designed in a manner that encloses the site in a way that gives the impression that the site and its occupants are deliberately isolated from the rest of the community. The proposed development is therefore contrary to policy H14 of the South Oxfordshire Local Plan 2035; and government guidance contained in the Planning Policy for Traveller Sites aimed achieving the suitable and sustainable location of gypsy/traveller sites; and the suitable design and assimilation of gypsy and traveller sites into their surroundings.

- d) The unauthorised material change of use of the land and related operations have an urban character and appearance that sits uncomfortably in the existing rural landscape and countryside setting. The development is harmful to the landscape and the intrinsic character, beauty and tranquillity of the countryside, contrary to policies ENV1 and H14 of the South Oxfordshire Local Plan 2035; and government guidance contained in the National Planning Policy Framework and the Planning Policy for Traveller Sites in so far as these aim to protect the landscape qualities and intrinsic value of the countryside from adverse development.
- e) The unauthorised development is of a character and appearance that sits uncomfortably in an otherwise open and tranquil rural setting. The multiple caravans, by their very nature, do not respect the local distinctiveness of the area, being of a standardised, modern, utilitarian and non-vernacular design. The development does not physically or visually enhance or complement its surroundings and does not make adequate provision for any outdoor amenity space, including provision for landscaping or a play area for children. The development is therefore contrary to policies DES1, DES2, DES5 and H14 of the South Oxfordshire Local Plan 2035; policy TOW 16 of the Towersey Neighbourhood Plan; and government guidance contained in the National Planning Policy Framework and Planning Policy for Traveller Sites, aimed at achieving good design and respect for local distinctiveness.
- f) The outdoor lighting installed in connection with the unauthorised material change of use is contrary to the amenity of the area, the natural environment and dark sky character of the setting. This is contrary to policies DES6 and ENV12 of the South Oxfordshire Local Plan 2035
- g) The presence of existing contaminants on the land represents a potential risk to the health of the occupants of the unauthorised development. This is contrary to policy ENV11 of the South Oxfordshire Local Plan 2035.
- h) The unauthorised development has resulted in a net loss of biodiversity and likely harm to protected species contrary to policies ENV2 and ENV3 of the South Oxfordshire Local Plan 2035; policy TOW7 of the Towersey Neighbourhood Plan;

and government guidance contained in the National Planning Policy Framework aimed at protecting biodiversity.

- i) Insufficient provision has been made for the sustainable drainage of surface and foul water in connection with the unauthorised development, having particular regard to the impermeable nature of the underlying geology, the natural fall of the land away from the highway and the absence of any water course or public sewer in proximity to the site. The development is therefore contrary to policies EP4 and H14 of the South Oxfordshire Local Plan 2035 and government guidance contained in the National Planning Policy Framework aimed at addressing flood risk and water quality.
- j) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO:-

- (i) Stop using the Land for the stationing of caravans for residential use.
- (ii) Permanently remove all caravans from the Land together with all domestic goods, chattels and paraphernalia.
- (iii) Dig-up all hardstanding driveway, parking and manoeuvring areas referred to in 3 above.
- (iv) Dismantle and demolish, as the case may be, the close-boarded fences, ornamental pillars and gates referred to in 3 above.
- (v) Disconnect, dig-up and dismantle, as the case may be, all poles mounted with external lighting and closed-circuit television surveillance equipment.
- (vi) Permanently remove from the Land all materials, waste and equipment resulting from steps (i),(ii),(iii),(iv) and (v) above.
- (vii) Reinstate the Land to the condition that it was in prior to the breach of planning control occurring, by the grading of the Land to levels and a fall commensurate with adjoining lands; the laying, rotavating, rolling and raking of clean topsoil and the sowing of a general purpose meadow grass mix; and the reinstatement of agricultural post and rail fences and gates to replace the fences and gates removed as a result of step (iv) above.

6. TIME FOR COMPLIANCE:

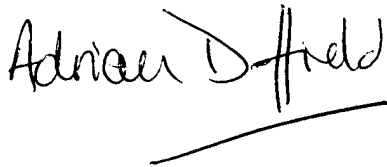
9 months after this notice takes effect.

7. DATE WHEN THIS NOTICE TAKES EFFECT

This notice will take effect on 31 July 2024 unless an appeal is made against it beforehand.

Dated: 5 June 2024

Signed:

A handwritten signature in black ink, reading 'Adrian Duffield', with a long horizontal line drawn underneath it.

Adrian Duffield
on behalf of:-
South Oxfordshire District Council
Council Offices
Abbey House
Abbey Close
Abingdon
OX14 3JE

ANNEX

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

STATUTORY PROVISIONS

A SUMMARY OF SECTIONS 171A, 171B AND 172 TO 177 of the Town and Country Planning Act 1990 (as amended) can be viewed online at <https://www.legislation.gov.uk>

THE RIGHT TO APPEAL

Any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Planning Inspectorate before the date in Paragraph 7 in this Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;

- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

PLANNING APPLICATION FEE

Should you wish to appeal on ground (a) – that planning permission should be granted for the unauthorised development or use, then a fee of £1156 is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

PERSONS SERVED

The following persons have been served with a copy of this Notice:

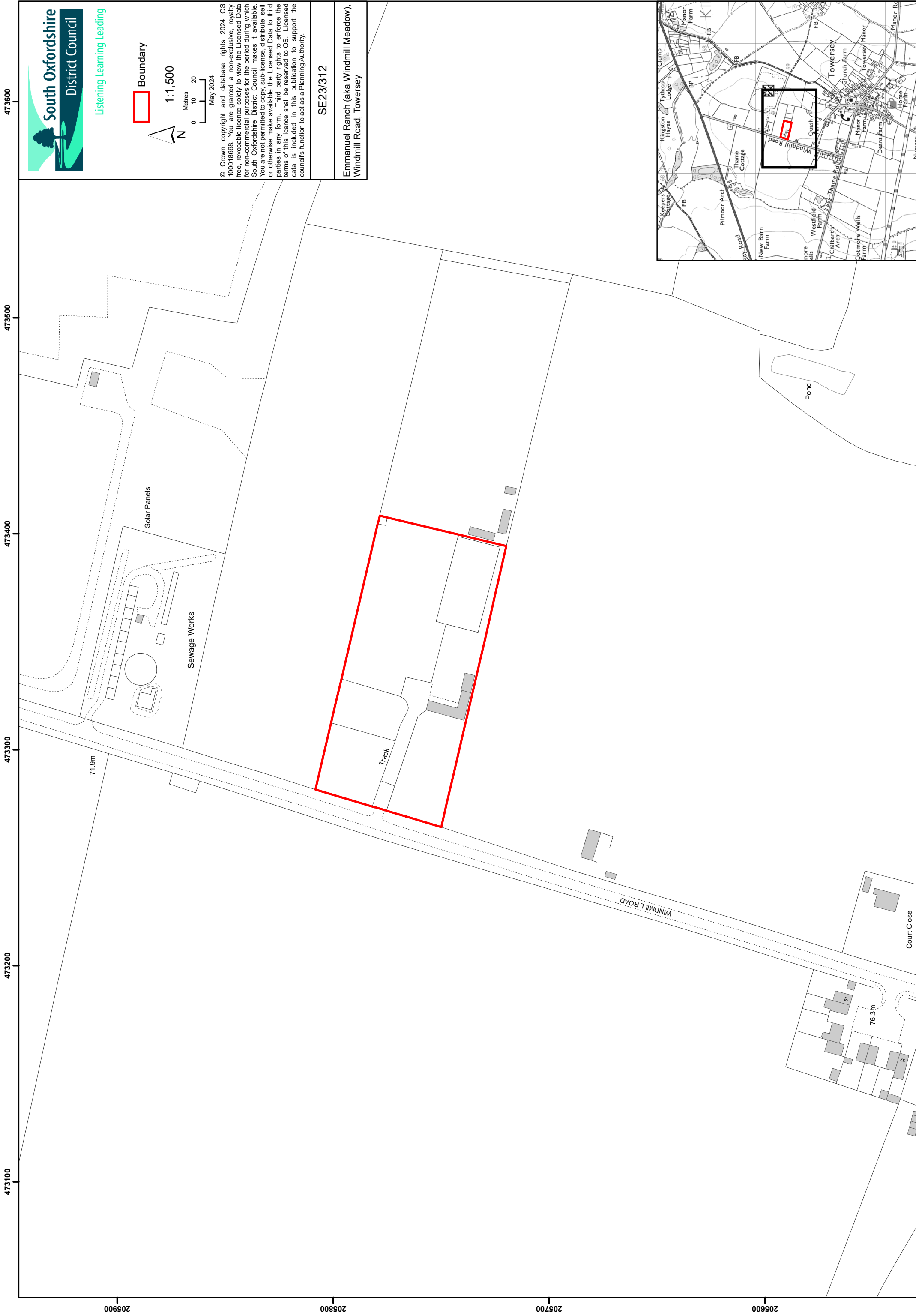
Darren Smith
Emmanuel Ranch
Windmill Road
Towersey
Oxfordshire
OX9 3QQ

Milo Lee
Emmanuel Ranch
Windmill Road
Towersey
Oxfordshire
OX9 3QQ

Darren Lee
Emmanuel Ranch
Windmill Road
Towersey
Oxfordshire
OX9 3QQ

Any Owner
Emmanuel Ranch
Windmill Road
Towersey
Oxfordshire
OX9 3QQ

Any Occupier
Emmanuel Ranch
Windmill Road
Towersey
Oxfordshire
OX9 3QQ



473400

473300

205800

Attachment 2

Development Platform | Hardstandings

Caravans

Close Boarded Fences

Poles

Ornametal Pillars

Gates



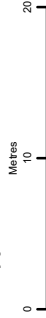
Track



Listening Learning Leading



1:500



May 2024

© Crown copyright and database rights 2024 OS 100018668. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which South Oxfordshire District Council makes it available. You are not permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS. Licensed data is included in this publication to support the council's function to act as a Planning Authority.

SE23/312

Emmanuel Ranch (aka Windmill Meadow),
Windmill Road, Towersey

