

Planning

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Listening Learning Leading

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3 March 2025

Abbey House Abbey Close
ABINGDON OX14 3JE

TOWN AND COUNTRY PLANNING ACT 1990 **APPEAL UNDER SECTION 174**

Site Address : Emmanuel Ranch Windmill Lane Towersey Oxon OX9 3QQ

Alleged breach: Without planning permission the undertaking of operations comprising of:

- (i) earthworks to clear the site and create a raised development platform (shown hatched black on the plan at Attachment 2);
- (ii) the laying of a hardstanding driveway and parking and manoeuvring areas (shown shaded grey 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 entrance gates (in the approximate location shown on the plan at Attachment 2);
- (iv) the installation of poles mounted with external lighting and closed circuit television surveillance equipment (shown coloured orange on the plan Attachment 2);
- (v) the laying of concrete slabs/bases (shown cross hatched black on the plan at Attachment 2); (vi) the laying of concrete and brick kerbs (shown coloured crimson on the plan at Attachment 2);
- (vii) the construction of brick skirts and steps around mobile homes (in the approximate location shown edged dark purple on the plan at Attachment 2);
- (viii) the erection of 3 x buildings (shown coloured dark brown on the plan at Attachment 2); **(ix)** the installation of 3 x septic tanks (in the approximate locations shown on the plan at Attachment 2); and
- (x) the depositing of spoil (shown hatched and shaded light brown on the plan at Attachment 2). (SE23/312(B)).

Appellants name : Mr Darren Smith

Appeal reference : APP/Q3115/C/25/3361189

Appeal start date: 28th February 2025

I refer to the above details. An appeal has been made to the Secretary of State against the serving of an enforcement notice by South Oxfordshire District Council on 16th January 2025.

The enforcement notice was issued for the following reasons:

- 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. 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 owners and their families, 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 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 at achieving the suitable and sustainable location of gypsy and traveller sites; and the suitable design and assimilation of gypsy and traveller sites into their surroundings.
- d) The unauthorised development has 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 scattered nature of the built development on the site, the prominence of pole mounted lighting and surveillance equipment, the domestic character of the close boarded fences and gates that enclose the site, the prominent and ornately decorated pillars at the entrance to the site; and the extent to which the levels of the land have been altered and covered in hardstanding materials, all have an urbanizing impact on the character and appearance of the site that sits uncomfortably in an otherwise open and tranquil rural setting. 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 TOW16 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 mounted on poles 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 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.

h) 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.

i) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

The appellant has appealed against the notice on the following grounds:

- (a) That planning permission should be granted for what is alleged in the notice.
- (f) The steps required to comply with the notice are excessive, and lesser steps would overcome the objections.
- (g) The time given to comply with the notice is too short.

The appeal will be determined on the basis of a hearing. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Adewale Ajibade
The Planning Inspectorate
Room
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by **11th April 2025**. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations

must quote the appeal reference.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.


If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

If you would like to view the appeal documents these can be viewed on our website www.southoxon.gov.uk under the application reference number in the appeal folder. If you have any difficulty in accessing these documents please contact us.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>.

Yours faithfully



Business Officer