

PLANNING

ELECTRONIC
VERSION

Planning Decision

P22/S2895/LDE

Gillian Probets
c/o Benjamin Hill Designs
12 Chazey Close
Chazey Heath
RG4 9ET

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application No : **P22/S2895/LDE**

Description:

Building and ground works to carry out "conversion of part of the existing stables and barn into residential use, providing a 1 bedroom dwelling" of approved planning application P19/S0606/FUL

Land at **Windmill Meadow Windmill Road Towersey OX9 3QQ** which is shown edged red on the attached plan.

The South Oxfordshire District Council hereby certify that on 10th August 2022 the undertaking of the above was not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

1. On the basis of the submitted information, the local planning authority is not satisfied that the works described within the application submission represent a material operation within the meaning of section 56(4) and 56(2) of the TCPA. Furthermore, the excavation works relating to condition 5 for remediation works is not a work of construction in the course of erection of a building or the digging of a trench for foundations or part foundations of a building which would be a material operation under s56. No foundations were dug for the extension to link the two existing buildings. As such, the local planning authority is not satisfied that the development has, on the balance of probabilities, lawfully commenced. On this basis, the development permitted by the council under application ref: P19/S0606/FUL has expired.

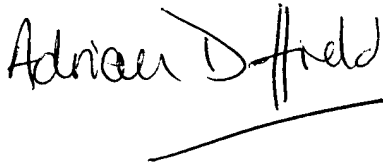


Reason for Decision

On the basis of the submitted information, the council is not satisfied that the works described within the application submission represent a 'material operation' within the meaning of section 56(4) and 56(2) of the TCPA. Furthermore, due to the excavation works relating to condition 5 for remediation works is not a work of construction in the course of erection of a building or the digging of a trench for foundations or part foundations of a building which would be a material operation under s56. No foundations were dug for the extension to link the two existing buildings. As such, council is not satisfied that the development has, on the balance of probabilities, lawfully commenced. On this basis, the development permitted by the council under application ref: P19/S0606/FUL has expired.

In accordance with paragraph 38 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems.

Note : A more detailed explanation is available in the officer's report, available in the application case file.

A handwritten signature in black ink, appearing to read 'Adrian D. Field', with a long horizontal line drawn underneath it.

Head of Planning
10th October 2022

Notes

1. This Certificate is issued solely for the purpose of Section 191 and 192 of the Town and Country Planning Act 1990 (as amended).
2. This Certificate confirms that the use(s) or operation(s) specified in the application were not lawful on the date specified as the date when the application was correctly made, and therefore is liable to enforcement action under Section 172 of the 1990 Act.
3. This Certificate relates to the precise definition of the use(s) or operation(s) described in the application and specified herein, and to the land specified on the plan attached hereto.
4. If the applicant is aggrieved by the decision of the local planning authority, he/she may appeal to the Secretary of State for Communities and Local Government in accordance with the provisions of Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended). The exercising of this right of appeal should be undertaken by giving written notice to the Secretary of State.

Completed appeal forms should be sent to:

The Planning Inspectorate
PO Box 326
Bristol
BS99 7XF

For further information contact The Planning Inspectorate:
Telephone : 0303 444 5000
enquiries@pins.gsi.gov.uk
www.planningportal.gov.uk/planning/appeals/

OTHER INFORMATION

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

BUILDING OVER GAS MAINS AND SERVICES

Please note before you plan to dig, or carry out building work within the SGN gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact the SGN Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone SGN with general plant protection queries. See SGN details below: Phone 0800 912 1722 or email plantlocation@sgn.co.uk

For further information please refer to:

<https://www.sgn.co.uk/damage-prevention>

<https://www.sgn.co.uk/help-and-advice/digging-safely>

scale 1:2033

75.8m

Solar Panels

Sewage Works

Track

WINDMILL HEDGE

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Listening Learning Leading

Reference: P22/S2895/LDE

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