

Pre-Hearing Note

**APPEAL REFS: APP/Q2115/C/25/3361189 (Appeal A),
APP/Q2115/C/24/3346856 (Appeal B) &
APP/Q2115/W/24/3346849 (Appeal C)**

**Land at: Emmanuel Ranch, Windmill Road, Towersey,
Oxfordshire OX9 3QQ**

Appellant: Mr Darren Smith

Local Planning Authority: South Oxfordshire District Council

Introduction

1. My name is Melissa Madge, and I am a chartered town planner. I have been appointed by the Secretary of State to determine these appeals.
2. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly.

The Event

3. The Hearing is to be held as an in-person event and will open at 10:00 on Wednesday 28 May 2025 and is scheduled to last for 2 days. I will aim for the Hearing to close no later than 17:00 each day. While there may be a lot to discuss, we have ample time scheduled. The Hearing site visit will take place at an agreed time.
4. The Council has confirmed the venue for the Hearing as Abbey House, Abbey Close, Abingdon OX14 3JE. There are car parking facilities at Abbey Close and parking charges apply.
5. It is necessary for me to avoid contact with the parties before the Hearing opens and during adjournments. To that end, I would appreciate a retiring room being made available for my use. However, if that is not possible, I should not be approached when the Hearing is not in session. The appellants may have to rely on the event room when the Hearing is not in

session, and the Council's cooperation in providing privacy for the appellants at such times would also be appreciated.

Format

6. The Hearing will be run as a structured discussion. It would be helpful if the main appeal parties could confirm who will be attending, and in what capacity, in advance of the Hearing. It would also be helpful to be told whether any interested parties are likely to be attending, if known.
7. If interested parties are in attendance, they will be offered an opportunity to make a statement to the Hearing if they wish, and/or they can join in throughout the discussion. Arrangements to accommodate interested parties will be discussed and agreed during my opening remarks. If anyone wishes to make a statement, it will be heard after I conclude my opening remarks.
8. My preliminary agenda for the Hearing can be found at the end of this note.

Notification Letters

9. The Council has provided copies of their appeal notification letters for Appeal B dated 12 July 2025 and Appeal C dated 11 July 2024. I do not however appear to have a copy of the appeal notification letter for Appeal A. **Please provide a copy in advance of the Hearing.**
10. A copy of the Council's Hearing notification letter for Appeal A dated 7 May 2025 has been provided. I do not appear to have copies of the Hearing notification letters for Appeals B and C. **Please provide copies in advance of the Hearing.**
11. Details of any site or press notices posted should also be provided, if applicable.

The Enforcement Notices

12. It is incumbent upon me to put the enforcement notices in order, if necessary. I do not consider the Notices to be defective or flawed. I am

content that any concerns I may have regarding the Notices' wording can be addressed without causing injustice to any main appeal party.

Grounds of Appeal

13. Appeals A and B are brought on grounds (a), (c), (f) and (g).
14. Having regard to the reasons that the Notices were issued and that planning permission was refused, I consider the main issues in respect of the ground (a) appeals and Appeal C to be:
 - The suitability of the location to accommodate the development;
 - The effect of the development on the character and appearance of its surroundings;
 - The effect of the development on biodiversity, with regard to loss of habitat, impact on protected species, and provision of lighting;
 - The effects of the development on residents living conditions, with regard to lack of amenity space, contamination, drainage and flooding; and
 - Whether any other considerations would outweigh any identified harm and/or policy conflict.
15. I have set out what I consider to be the topics for discussion in my draft agenda below. This will be discussed and varied as necessary at the Hearing.

Evidence

16. For the appellant I have: the completed Appeal Forms, a Statement of Case with 11 appendices for Appeals B and C, a Statement of Case with 11 appendices for Appeal A. I also have a draft Statement of common ground relating to Appeals B and C.
17. For the Council I have: the completed Questionnaire and associated documents, a Hearing Statement with 53 appendices relating to Appeals B and C, and a Hearing Statement with 6 appendices (labelled Appendices 54 to 59 inclusive).

18. I am not inviting the submission of additional evidence. However, any submissions of late evidence should be accompanied by an explanation as to: (i) why it is late; (ii) how it will help me make my decision; and (iii) why it's acceptance would not prejudice the other appeal party.
19. Late evidence will only be accepted at my discretion, having regard to comments from all appeal parties.

Statement of Common Ground

20. While I am not asking for the draft statement of common ground to be completed, an agreed statement of common ground (SoCG) can be helpful in ensuring the evidence considered at the Hearing focuses on the material differences between the appellant and the Council. If an agreed SoCG is to be provided it should contain information about the development upon which the main appeal parties agree and the specific areas of dispute. A SoCG template can be found at [Statement of common ground - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61221/Statement_of_common_ground_-_GOV.UK_(www.gov.uk).pdf), which can be adapted as necessary.

Conditions

21. Thank you for providing sets of suggested conditions for the s78 and s174 appeals, which includes comments from both main appeal parties. These will form the basis of our discussion during the Hearing.

Costs

22. There has been no indication that any party intends to make an application for costs. While applications are not being invited, it would be helpful if written copies of any such application for costs could be made available either before or at the Hearing.

Other matters

23. The Council is requested to make a copy of this Pre-hearing Note available on their website.

M Madge

Inspector

21 May 2025

Preliminary Agenda

1. Introduction - opening formalities and points of clarification
2. Statement(s) from interested parties
3. Matters concerning the Notices:
 - (i) Does it matter that there is a difference between the site address given in the s78 appeal and the land affected by the notices?
 - (ii) Are the allegations sufficiently precise?
4. The ground (c) appeals:
 - (i) Whether the driveway and hardstanding amount to development having regard to s55(2), and/or whether they benefit from planning permission granted by P22/S3712/FUL?
 - (ii) Whether planning permission P22/S3712/FUL is extant?
5. The s78 and ground (a) appeals:
 - Whether the appellant and their family meet the PPTS 2024 Annex 1 definition of Gypsy and Travellers
 - What is the appellant seeking planning permission for
 - Relevant local and national planning policy – including whether the tilted balance is engaged, need for pitches, 5-year supply of available pitches, what weight I should give to policies contained in the emerging local plan, intentional unauthorised development
 - Whether the appeal site is sustainably located – access to services, available modes of transport, whether residents would be isolated from the local community
 - Character and appearance – what is the intrinsic character of the surrounding area, what affect has the development had upon it, what need is there for new development to enhance character and appearance, whether any harm identified could be addressed by condition
 - Living conditions – amenity provision, contamination, drainage, flooding, and whether any harms identified could be addressed by condition

- Biodiversity – loss of habitat, protected species affected, impact of external lighting, whether any harm identified could be successfully mitigated, and whether mitigation can be secured by condition
 - Personal needs and circumstances – including the needs of any children, and any medical or health needs of residents
 - Any other matters – including fear of crime and anti-social behaviour, flooding of adjacent land
 - Conditions
6. The ground (f) appeals: why requiring the removal of the access driveway, vehicular manoeuvring and parking areas contained within the area edged red on the block plan approved under application P22/S3712/FUL goes beyond what is reasonably required to remedy the breach of planning control
 7. The ground (g) appeals: why longer periods of compliance should be given
 8. Applications for costs (if any)
 9. Arrangements for the site visit
 10. Close