

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE (B)

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 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).

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. 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.

5. WHAT YOU ARE REQUIRED TO DO:-

- (i) Dismantle and demolish, as the case may be, the close-boarded fences, ornamental pillars and gates referred to in 3 above.
- (ii) Disconnect, dig-up and dismantle, as the case may be, all poles mounted with external lighting and closed-circuit television surveillance equipment referred to in 3 above.
- (iii) Demolish and dig-up, as the case may be, the concrete slabs/bases, concrete/brick kerbs, and brick skirts and steps referred to in 3 above.
- (iv) Disconnect and dig-up the septic tanks referred to in 3 above.
- (v) The demolition of the buildings referred to in 3 above.
- (vi) Dig-up all hardstanding driveway, parking and manoeuvring areas referred to in 3 above.
- (vii) Dig-up and remove the deposited spoil referred to in 3 above.
- (viii) Permanently remove from the Land all materials, waste and equipment resulting from steps (i),(ii),(iii),(iv),(v),(vi) and (vii) above.
- (ix) Reinstatement 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 close board fences and gates removed as a result of step (i) above.

6. TIME FOR COMPLIANCE:

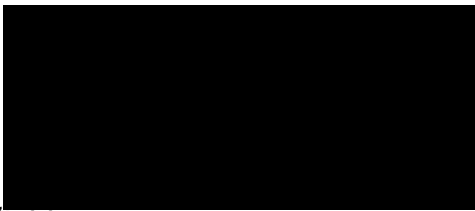
9 months after this notice takes effect.

7. DATE WHEN THIS NOTICE TAKES EFFECT

This notice will take effect on 1 March 2025 unless an appeal is made against it beforehand.

Dated: 16 January 2025

Signed:



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 £2930 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:

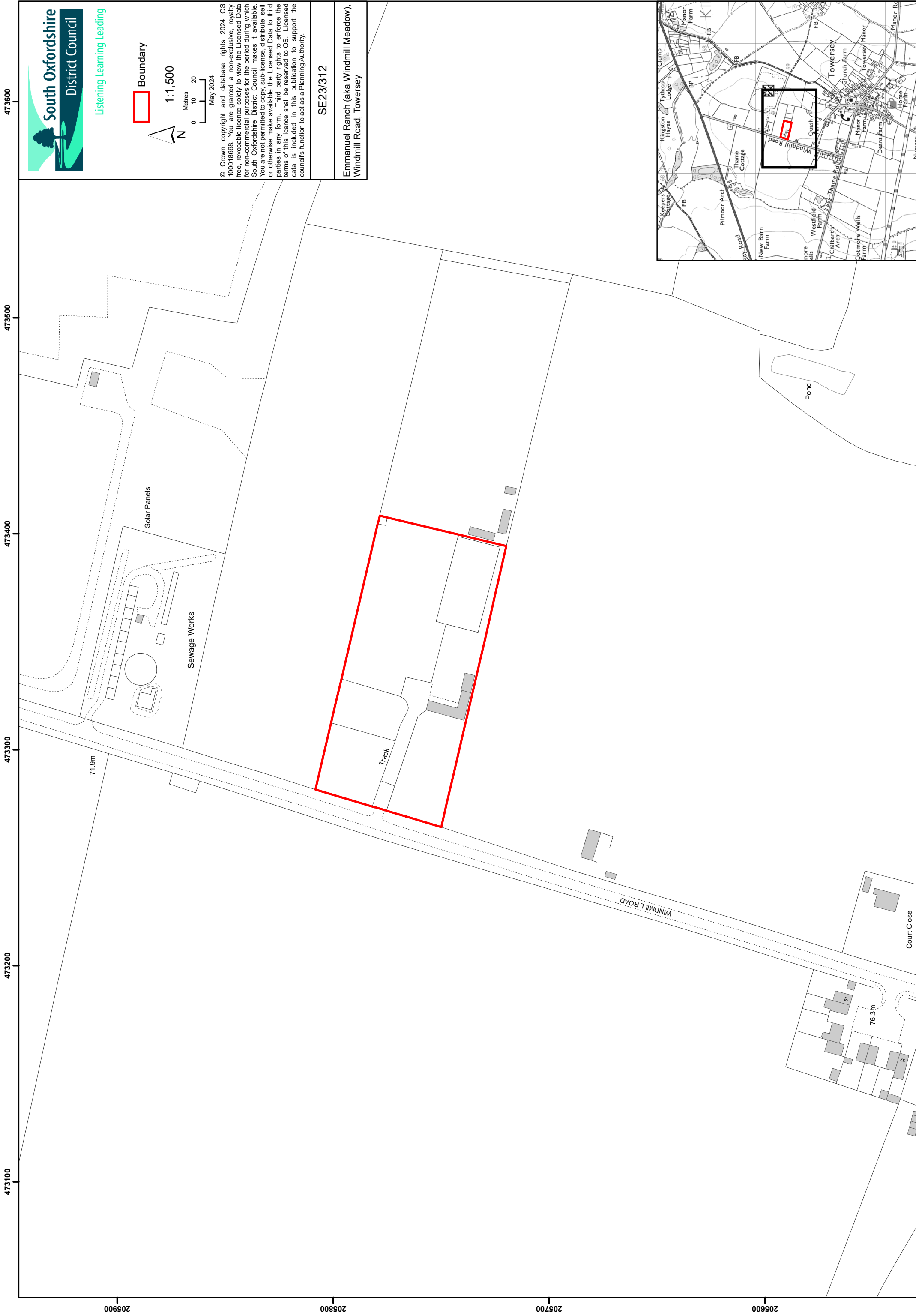
Darren Smith
Emmanuel Ranch
Windmill Road
Towersey
Oxfordshire
OX9 3QQ

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



Attachment 2

- | | | | |
|---|-----------------------------|---|--|
|  | Raised development platform |  | Caravans/mobile homes |
|  | Handstanding |  | Site sheds |
|  | Concrete slabs/bases |  | Concrete/Brick kerbs |
|  | mobile home skirts & steps |  | Ornamental pillars |
|  | Turfed Areas |  | Gates |
|  | Buildings |  | Close board fences |
| | |  | Poles mounted with lights/CCTV equipment |
| | |  | Septic tanks |
| | |  | Deposited spoil |

