

**Appeal APP/Q3115/C/25/3361189 – Emmanuel Ranch – Windmill Road, Towersey, OX9 3QQ – representation from Towersey Parish Council – 11 April 2025**

Towersey Parish Council wish to make the following comments on appeal APP/Q3115/C/25/3361189 to the most recent enforcement notice P25/S0597/DA issued by South Oxfordshire District Council. All of our previous comments on appeals APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856 remain relevant and we are fully supportive of the actions being taken by SODC. These new comments refer to activities and developments on the site since our submission of August 2024, and the applicant's response to the most recent enforcement notice.

In the period since August 2024 the applicant has continued to develop the site, with the introduction of further urbanisation, addition of permanent built living accommodation, introduction of further lighting and blatant appropriation of land beyond the development site. All of this is representative of flagrant disregard of the normal planning processes and harm to the environment. Much of this has also occurred after the appellant, and one other, have suspended prison sentences imposed by the High Court of Justice, King's Bench Division on 11 November 2024 (KB – 2023-004186) for breaching an injunction prohibiting certain activities on the site. The continuing activities also demonstrate a complete disregard for the legal system.

We note that since November 2024:

1. The permanent building at the northwest corner of the site which appeared to be stabling in August 2024 has been extended with windows installed and a chimney added. This may indicate that this is now used as a dwelling.
2. Kerbing has been added to the internal access route along with decorative street lighting.
3. Additional perimeter lighting has been added.
4. The site is now occupied by a minimum of 13 persons (information from SODC), distributed within 2 large static 'mobile homes', one new building (see 1 above) and 3 towable caravans.
5. The site has been fully prepared for the siting of more large static mobile homes.
6. The site has gained 12 wheelie bins for non-recyclable waste,(see Image 3) indicative of high occupancy, which are all emptied at the discretion of SODC. The address is not listed for Council Tax.

Changes to the site in 2025 are shown in Images 1 and 2.



Image 1. 11/03/2025. Note 3 caravans, two mobile homes and permanent building in north corner by Windmill Road and rubbish accumulation at southeastern part of site.



Image 2. 06/04/2025. Note continued use of southeastern part for rubbish burning and disposal .



Image 3. Collection of waste bins awaiting collection at site entrance 20/01/2025

We also note that a) the only permitted development on the site (P22/S3712/FUL) has not begun.

This permission will expire on 21 November 2025 and b) the one part of the site for which planning permission was applied for (P24/S0941/FUL) by the appellant and refused by SODC is the one part of the site which remains undeveloped, all other works which are the subject of these three appeals are external to this area.

We also note that the applicant has taken possession of land to the south east of the site they own for the grazing of horses, without the consent of the landowner. This is a cause of friction between the landowner and the applicant. There are other instances where the activities of the occupants have a detrimental effect on the community. These include the unauthorised closure of Windmill

Road on 1-3 November 2024, periods of continuous dog barking and howling, which can sometimes last hours, disposal of waste by fires (see Image 4 & 5), sometimes associated with black smoke and/or a smell of burning plastic and bitumen and a very loud public display grade firework display on 5 November 2024 without any prior warning to Towersey residents and instances of escaped horses. We have concerns that the site is being used for the disposal of waste by fires with the resultant debris being spread over the land in the south east corner of the site (see Images 1 and 2). This will exacerbate land contaminate issues. The large number of public submissions to APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856, demonstrate that the residents of Towersey object to the unauthorised use of the site and the associated activities which affect the resident community.



Image 4. Large waste burning event 03/04/2025. The fire is located at the southeastern corner of the site and external illumination of the site is evident.





Image 5. Smoke plume from waste burning at 19.47 on 10/04/2025. This plume drifted over the centre of Towersey village with a strong smell of burning rubber.

At the basis of much of planning policy associated with traveller and gypsy sites is a desire to reduce conflicts and foster more harmonious relationships between cultures. Appropriating land and 'nuisance' do little to help.

The information supplied in support of the appeal is exactly the same as that supplied for the two earlier linked appeals, originally scheduled for a hearing on 18/19 November 2024.

Grounds for appeal include personal circumstances, namely that Darren Smith and his extended family have nowhere to live, that there are medical and educational needs that cannot be met elsewhere and that the families need to have a base from which to travel for work in the summer. We do not think any weight should be exercised in granting the appeal on the basis of personal circumstances for the following reasons:

1. There is some doubt as to whether the appellant is of the Gypsy community with a need to periodically travel for work. The documentation of SODC in relation to appeals APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856 clearly indicate that at the outset of occupancy the main applicant claimed he was not a Gypsy (see Phone call notes of 20.11.23 and 2.11.23 of Appendix 30 of the LPA hearing statement for appeals APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856). No evidence has been supplied to demonstrate Gypsy status apart from later assertions. In the absence of such evidence the refused application P24/S0941/FUL should be treated as an attempt to establish a caravan park and business site outside the settlement boundary of Towersey. This boundary is clearly indicated in our Neighbourhood Plan.
2. The need for a site from which to travel to different parts of the country for seasonal work is not evidenced. Two roofing companies operate from the site; Exceptional Roofing Ltd – director Milo Smith and DS Roofing South Ltd – director Darren Smith. The website of Exceptional Roofing Ltd states it covers Oxford, Abingdon, Kidlington, Didcot, Thame,

Aylesbury, Princes Risborough, High Wycombe, Chinnor, and the surrounding areas. That of DS Roofing South Ltd states it covers Oxford, Abingdon, Didcot, Kidlington, Witney, Thame, Bicester, and the surrounding areas. All these locations are within daily travel distance of Towersey and no evidence has been presented that work beyond the stated districts is ever undertaken.

3. There are indications that Darren Smith (senior) does not live at Emmanuel Ranch. It has been noticed that he arrives most mornings from elsewhere and leaves every afternoon. It is likely that he resides in Bicester.
4. In section 5.42 of the appeal submission (APP/Q3115/C/25/3361189) it is stated that since arriving on site attempts have been made to register the children at schools. This is the same statement as submitted on 23 June 2024. There is statutory duty on OCC to provide places for all school age children and it is extraordinary that this is still claimed as a reason for occupancy approximately 8 months after it was first raised and approximately 1 year after the families arrived on the site. Likewise, the special needs of an expectant mother are no longer relevant as birth has occurred.

In summary we ask that all three appeals are dismissed. The appellant has appealed the latest enforcement notice on three grounds:

1. *That planning permission should be granted for what is alleged in the enforcement notice.* If granted then this sets a terrible precedent that unauthorised development can be approved without applying for planning permission, effectively bypassing the planning process. We re-iterate that none of the works undertaken are within the area specified under refused P24/S0941/FUL.
2. *The steps required to comply with the notice are excessive, and lesser steps would overcome the objections.* Given that this is a flagrant breach of planning rules the steps are not excessive and nowhere does the appellant indicate what these lesser steps would be.
3. *The time given to comply with the notice is too short.* We suggest that SODC have been very generous with the time. Given past behaviour in response to planning refusal, enforcement notices and a court injunction it is highly likely that this long time period will be interpreted as a period of grace for further development, necessitating further Enforcement action. We suggest that a maximum period of 6 months to fulfil all the requirements of the Enforcement Notices would be generous.