

## **Appeals APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856**

When planning permission was sought for P24/S0941/FUL a number of local residents requested that their comments on the application could be made to SODC without revealing their names and addresses. This was facilitated by SODC and 13 anonymised comments were submitted to SODC. The basis for these requests was a genuine fear of intimidation by the applicant, as there were recorded incidents of this happening prior to the application being submitted. After named objections were submitted in relation to P24/S0941/FUL, there was intimidation of at least two objectors. Understandably, some residents are reluctant in making identifiable comment on the two appeals about Emmanuel Ranch.

To facilitate these individuals commenting, Towersey Parish Council proposed via two Whatsapp groups (Men's and Women's) that individuals could directly write their comments either by a Direct Message or via email to the Chair of the Parish Council. In setting this up the Parish Council emphasised that public expression was important and all comments, either in favour of accepting or of rejecting the appeals would be collated and comments submitted without alteration or editing but names would be deleted.

Twelve comments have been made and are submitted below, anonymised and numbered in the order of receipt by myself.

Tim Shreeve  
Chair, Towersey Parish Council

### **COMMENT 1**

The appeal against the enforcement decision and the appeal on the planning application for should both be refused for multiple reasons:

1. The site is unsuitable for gypsy/traveller use as defined by Local Plan policies.
2. The application conflicts with the vision, objectives, and several of the Neighbourhood Plan policies.
3. The application is deficient on a number of essential dimensions including access, sewage, drainage, ecological impact and utilities.
4. The owner has already caused considerable ecological damage to the site through removal of hedging and vegetation, covering over with hardstanding and the likely spreading of contaminated material and should be required to make good.
5. A persistent, brazen set of unacceptable behaviours and actions by the owner/agent that cannot be allowed to prevail over good governance, citizenship, and the rule of law.

#### **1. Unsuitability as a traveller/gypsy site.**

The criteria for gypsy/traveller sites described in Local Plan Policies H14 &15 are not met by this proposed site. The site is situated in the open agricultural landscape next to the village of Towersey. It is approximately 200 meters outside the built-up boundary of the village as defined in the Towersey Neighbourhood plan. Towersey has no facilities (e.g. doctors, schools, shops), neither does the nearest settlement of Kingsey. The site does not meet the criteria for pedestrian provision, it is on a 60mph road, with no footpath or lighting. The shortest route to Thame would be via the

A4129, along a 60mph road with no footpath or lighting. An alternative walking route via Windmill Road and then Thame Road/Towersey Road does not have a footpath, is mostly unlit and much of the route is 60mph and is over 3km to the essential facilities. Most journeys are likely to be by car. Permitting this site here does not meet SODC sustainable travel criteria.

We emphasise that the site is in a rural open environment. A previous (2008) appeal to position just one caravan on the site was dismissed by the Planning Inspectorate, including on the grounds that it had a significant detrimental impact on the character of the rural environment in this location. Permitting three static mobile homes and three travelling caravans will have a much greater impact than the single caravan, which was the subject of the appeal.

## **2. In direct conflict with the Towersey Neighbourhood Plan.**

The stated vision of the Towersey Neighbourhood Plan is for:

*A small, tranquil, “green” village of agricultural origin, surrounded by open countryside, with housing, amenities and services that support and encourage a vibrant and sociable local community.*

From this vision, a set of 7 clear objectives were defined:

- To preserve and enhance the open countryside
  - To encourage and support appropriate housing development
  - Retain open spaces within the village
  - Protect and enhance the historic environment
  - Protect and enhance local biodiversity –as per NPPF 2023
  - Improve facilities for local people
- 
- Support local business and home working.

The application is in direct contradiction to the first (Preserve and enhance the open countryside) and fifth (Protect and enhance local biodiversity) of these clear objectives. In addition, it does not comply with a number of the Neighbourhood Plan policies, notably:

*TWO1 Village boundaries and infill development: Subsection C. Proposals for development outside the Village Boundary will only be supported where they are considered appropriate rural development as defined by the NPPF, and are consistent with other policies in the development plan including the other policies in this Plan.*

The policy requires that development proposals outside the defined boundaries are in line with the relevant policies of the Local Plan (Policies H1 and Policy H8) and Neighbourhood Plan in respect of protecting local landscape and character of the natural environment character. This recognises the valued function of the countryside and working farmland in shaping rural character.

*TOW4 Design: As appropriate to their scale, nature and location, development proposals should sustain and where practicable enhance the character of the Parish and, where appropriate, the character and appearance of the Towersey Conservation Area and its setting as shown on the Policies Map. Development proposals should also have full regard to the Towersey Character Appraisal and the following design principles:*

- The prominence of mature trees and tall hedges along frontage boundaries and the common use of grass verges, occasionally with ditches, in the space in front of buildings, in defining the rural character of the area and helping to punctuate views in the street scene; etc*

The policy establishes the importance of design of new development in the village to maintaining its strong rural character. It therefore informs the Design & Access Statements prepared for planning applications in demonstrating that, where relevant to the nature and location of the proposal, regard has been paid to those principles. Consideration should be given to the fact that any new homes or commercial premises planned to be built have 21st digital infrastructure installed at the build phase. Developers should be required to engage with a telecommunications network provider to provide a full fibre connection to each residential/business premise. This will significantly mitigate environmental impacts of any proposed development.

*TOW7 Green infrastructure and biodiversity: Development proposals should have full regard to maintaining and, where practicable, improving the functionality of the green infrastructure and biodiversity assets including Local Green Spaces, public rights of way (footpaths and bridleways), woodland, trees, hedgerows, ponds, and land of biodiversity value, in the design of their layouts and landscaping schemes, including delivering a net gain to general biodiversity assets. Development proposals that would lead to an increase of green infrastructure and biodiversity assets will be supported where they are consistent with all other relevant policies of the development plan. Proposals that would lead to an unacceptable loss of green infrastructure or biodiversity assets will not be supported*

The policy defines the presence of Green Infrastructure assets in the Parish. The Parish contains a variety of Green Infrastructure that provides an environmental support system for communities and wildlife. By doing so it supports Local Plan Policies ENV1 –ENV5. Its purpose is linked with the vision and principles of green infrastructure in the District - defining a network of green infrastructure assets in the neighbourhood plan area as a means of providing environmental support for the community and wildlife. The policy requires that all development proposals that lie within the Network, or that adjoin it, should consider how they may improve it, or at the very least do not undermine its integrity of connecting spaces and habitats. Where proposals include provision for landscaping, new means of access or new layouts, there may be opportunity to relate the land better to the Network, e.g. in complementing existing biodiversity value through the design of the landscape scheme. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.

*TOW10 Supporting water infrastructure: As appropriate to their scale, nature and location development proposals should demonstrate that: 1. The sewer network can accommodate the additional demand for sewerage disposal either in its existing form*

*or through planned improvements to the system in advance of the construction of the development; and 2. They will not increase flood risk from any source of flooding, including surface and ground water flooding.*

Proposals should be accompanied by a site-specific assessment of the potential for flooding in line with the requirements of national policy and advice, so that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant. It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.

### **3. Deficiency of the application**

The application is lacking in substantial detail, which glosses over its impacts and practicalities as follows:

- No proposal is made to modify the entrance onto Windmill Road. What is there now does not meet the visibility requirements for an entrance onto a road with the national speed limit. Meeting these requirements would have negative effects on both hedgerows and verges along this rural road, to the detriment of the rural character of the area.
- A sewage treatment plant is specified, but no details are given, where will this discharge to?
- It is stated that drainage will be via soakaway, but again no details are given despite the site being on Gault Clay which has very low infiltration capacity.
- Contamination was identified with the approved application P22/S3712/FUL, but there is no record of this being remediated by the agreed methods, and earth-moving associated with occupancy may have moved this contamination around the site. The current application is silent on contamination.
- Issues about biodiversity on the site and the site surroundings are ignored. An assessment is required, which needs to take into account the original state of the site to ensure that Policy ENV3 is complied with.
- It is stated that the site/pitches will be bordered by post and rail fencing. Presumably this is within the larger plot containing the development site. We note that recently installed high close boarded fencing has been installed to the southeast and southwest boundaries of the proposed pitches.
- No information is provided about lighting on the site. The originally placed whole-plot perimeter floodlighting was extremely intrusive and totally out of character with the rural environment. All site lighting in the open agricultural landscape is inappropriate.
- Individual gypsy/traveller pitches should also contain separate utility buildings and communal facilities are also needed. The application is silent on this, but their addition would further detrimentally impact on the rural environment
- The Neighbourhood plan requires that where new development is being proposed within 800m of a sewage treatment works or 15m of a sewage pumping station, the developer or local authority should liaise with Thames

Water to consider whether an odour impact assessment is required. There is no evidence of this having been done.

#### **4. Environmental/ecological damage already caused**

As note by the Ecology Officer: *"The application seeks retrospective planning permission for unlawful development already undertaken. .... From the site photos available to me, it is apparent that the actions of the applicant have resulted in notable damaging earthworks outside of the red line boundary of the application site (blue line land)...."*

*...Due to the nature of this retrospective submission, it is not known what habitats likely existed within the red line boundary (or the wider site) prior to unlawful development occurring. Taking a precautionary approach, it is reasonable to assume that other neutral grassland and mixed scrub existed onsite. ....these habitats would have had intrinsic value that is now lost ....*  
*Species: The scrub and tussocky grassland habitats onsite, prior to unlawful development took place, appeared to be highly suitable to support a range of protected species. There are six mapped ponds within 500m of the application site, with the closest being c.150m to the southeast. There is a known and recorded population of great crested newts (GCN) within Towersey, immediately to the south of the application site. When referring to the GCN impact risk map, which forms part of the Council s district level licence agreement with Natural England, the application site resides in an amber zone of increased risks to GCN. GCN spend most of their lifecycle on land within 500m of ponds. The tussocky grassland and scrub mosaic was suitable terrestrial habitat for the species. As such, it was reasonably likely that the protected species existed on the application site and was harmed by the unlawful development. It is also reasonably likely that the application site supported populations of more-common reptiles (slow worm, common lizard, grass snake), due to the ideal habitat structure prior to clearance. These species would either have been killed, injured or displaced from the site during clearance works. There is no opportunity to undertake surveys to establish the level of harm to species, due to the way that the site has been unlawfully developed.*

*...The loss of grassland and scrub habitats to built development within the red line boundary, and clearance of habitats within blue line land (to the muddy quagmire that currently exists at the time of writing), has resulted in a net loss of biodiversity. ...Based on suitably precautionary assumptions for the baseline lawful habitats that existed onsite prior to clearance, it is likely that this net loss is significant."*

There is considerable documented evidence that since these statements were made, materially more environmental damage has been made. This must be stopped and made good.

#### **5. A persistent set of unacceptable actions and behaviours**

There have been a persistent and consistent set of actions relating to this site that attempt to achieve unauthorised and illegal outcomes. These include:

- Multiple unauthorised connections to mains electricity being pursued by UK Power Networks
- Analogous connection to mains water being investigated by Thames Water
- Unlawful development and environmental damage as noted above
- Breaches of a High Court Injunction being pursued by Enforcement
- Perceived and actual intimidation, of both the local community and of Officers

This is the first time in our memory that members of our community have taken the opportunity to comment on an application and appeals without those comments being personally attributed. Despite this, far fewer than usual are likely to comment, for an application as contentious as this. There is good reason in this circumstance, but the cause – fear of consequences due to intimidation – cannot be allowed to prevail. It is both contrary to the Neighbourhood Plan vision, *‘A small, tranquil, “green” village of agricultural origin, surrounded by open countryside, with housing, amenities and services that support and encourage a vibrant and sociable local community’*; and illegal!

These appeals must be rejected!

## COMMENT 2

**I am deeply sorry and troubled that I feel it necessary to provide this feedback anonymously. Public debate and discussion about so many matters including planning should be transparent and open. However, I’m afraid the experiences of intimidation and anti-social behaviour of the residents of the previous village where the applicants resided has left me with no option. Planning policy makers and inspectors must urgently look at ways to secure feedback on applications without families like mine having to put themselves and their property at risk.**

**We strongly object to these two, linked planning application on the following grounds:**

**Towersey Neighbourhood Plan:** This very recently made plan states the ways in which development would be appropriate and therefore supported within the village. This is mainly focused on infill style developments within the boundaries of the current village. This proposed development is completely contrary to this plan and I expect full weight to be given to the provisions of the plan.

**Failure to meet Local Plan policies and criteria for Gypsy/Traveller sites:**

Policies H14 and H15 lay out the requirements for such sites but this site is in open rural landscape, has no streetlighting or pedestrian walkways, is on a 60mph stretch of road and Towersey itself has no amenities such as shops, GPs, schools.

**Contaminated Land:** The site was previously flagged as having contaminated land concerns. These have not been addressed by the applicant. In fact SODC's own Contaminated Land consultee has flagged that a further formal, professional assessment is required from the applicant before they can pass an opinion on this application. They note that this job has been made harder by the unlawful development that has taken place already and flags that this work has increased the risk of problems of contamination.

**Issues of biodiversity and nature impact:** SODC's own ecology consultee has laid out clear and robust reasons for refusing this application solely on these grounds. Their comments again point out the damage already caused by unlawful development already undertaken on this land. They comment that the applicant has failed to provide sufficient information to support the application, that negative impact on protected species is likely to have already occurred and that the application doesn't comply with policies ENV2 or ENV3. Further to this, it is not possible to construct a safe and appropriate vehicle entrance into this site from Windmill Road without causing significant damage to existing trees and hedgerows and the species that depend on them.

**Questionable information included in the application:** In the application it is stated that the site will not be used to dispose of trade waste or for any industrial or commercial processes. In the time that the applicant has been on site there have been a good number of examples that suggest that commercial waste disposal is taking place on the site. For example, on the evening of 21st March there was a fire on the land generating large clouds of black, horrible acrid smelling smoke that blew across Windmill Road. This impacted visibility for drivers and was blowing directly towards the neighbouring dwellings at the north end of Windmill road. I think it has been suggested that the applicant is using the land to dispose of waste from his building/roofing businesses and what I witnessed seems to support that. If the applicant wishes to use some land for this purpose, then they should be clear about that in their application and, as this location is obviously not appropriate, they should seek a different, more appropriate site.

**Lighting:** No information is provided about lighting. The Ecology officer has commented on the need for lighting plans to understand the potential impact on species. The floodlighting originally installed at this location was hugely intrusive and inappropriate for the location.

**Approval already given for development of a single dwelling:** Permission has already been granted for the building of a single dwelling on this site. There is no reference to that in this application. This looks a lot like a stealth development approach and I would urge officers and councillors to not allow the planning laws and policies to be undermined in this way.

We urge you to **refuse both planning applications (and enable and support rapid enforcement action** by SODC) on the basis that they are contrary to Local Plan Policies H14 & 15, ENV3 and do not meet Neighbourhood Plan Policies, which should be given full weight in the decision-making processes. There are important questions about the applicant's likely business use of this site for the disposal of

potentially harmful waste. Approving this will have severe impacts on the rural environment and will not provide a suitable location for such a development.

### **COMMENT 3**

As a long-term resident of Towersey, I would like to register some comments relating to the appeal against refusal of Planning permission and the Service of Enforcement Notice in relation to Emmanuel Ranch, Windmill Road, Towersey.

Whilst I support the principle of making sites available for travelling families and gypsies, and was, at first, not opposed to the application for a permanent dwelling for Mr Smith and his family, the subsequent activities on this site have altered my view and my confidence that any legislation will be adhered to. I therefore support the district Council's refusal to extend the planning on this site to house 3 Gypsy families (refusal to P24/S0941/FUL).

Since the consent for the first planning application (P22/S3712/FUL) in 2022 for conversion of stables and a barn to a dwelling was granted, no dwelling has been created and the temporary mobile home remains in position. Moreover there has been deliberate unauthorized development; the initial temporary mobile home has been joined by more mobile homes without planning permission being granted. It was unclear how services were to be provided for the development in the first application; it now appears that there has been NO provision for disposal of foul water and waste during this time and local ditches are now contaminated with effluent from stables and the debris collected from clearance of the site. Power supplies were illegally obtained. No plans have been submitted for collection of recyclable or other waste or for connection to the local sewerage system.

This site is not suitable for housing families. No provision has been made for any outdoor amenity space where children could play. There is NO bus service in Towersey and NO school bus provision; there are apparently 5 children under the age of 18 in the extended family. The appeal document implies a difficulty in finding school places in Thame but this seems unlikely since Thame schools are obliged to admit children in the catchment unless there are extenuating circumstances.

The Village is known for its welcoming attitude to incomers. However, the blatant disregard of Mr Smith and his family for adherence to planning legislation and regulations and other illegal activities do not endear him to the residents.

### **COMMENT 4**

This objection is being made in confidence due to reports of intimidation by the applicant towards Towersey residents who had commented on the original plans.

The application has been refused by SODC on reasonable grounds, namely being contrary to policies STRAT1, DES8 and TRANS5 of the SODC 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. We absolutely continue to support SODC in rejecting this application.

The applicant continues to show no regard for the countryside and productive farmland bordering its land, with evidence that a critical drainage ditch has been partially blocked and crops destroyed by either the applicant or family members.



The applicant has already demonstrated no regard for planning guidance or rules, and from the very beginning has flouted the granted planning permission. The notion put forward that the applicant now needs extra accommodation for his family should have been a consideration prior to him purchasing the land and making the original planning application. We would urge the Inspector to totally reject the applicant's appeal given his past flagrant disregard for planning rules.

## COMMENT 5

I am writing to object to the appeal proposal at Emmanuel Ranch, Windmill Road, Towersey, OX9 3QQ (P24/S2018/DA) for change of use of land to use as a residential caravan site for 3 gypsy families, including the stationing of 6 caravans together with the laying of hardstanding. The proposal does not meet with Government planning policy, SODC Policy H14 or the Towersey Neighbourhood Plan.

Government Planning Policy for traveller sites states that when considering applications, local planning authorities should attach weight to the following matters:

*a) Effective use of previously developed (brownfield), untidy or derelict land*

It is clear Government's intention is that traveller sites (due to their urban appearance) should be located within built-up areas of settlements and encourage the re-use of brownfield sites. However, this proposal is within open countryside and outside the built-up boundary of the village as defined in the Towersey Neighbourhood plan. The development would appear as an intrusive and harmful form of development on the village fringe to the detriment of the landscape character of the area.

No thoughtful consideration has been made by the applicant to mitigate the landscape and visual impact of the proposed development.

The cumulative impact of the proposal together with the adjacent solar farm development would unacceptably harm the significance of heritage assets and the appearance of this area of countryside.

*b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*

The SODC Ecology Team confirm that the site results in a net loss of biodiversity contrary to Local Plan policy including:

*There is a known and recorded population of great crested newts within Towersey, immediately to the south of the application site. It was reasonably likely that the protected species existed on the application site and was harmed by the unlawful development. PPG advises that retrospective applications are considered and assessed in the normal way, as if development had not been undertaken unlawfully.*

The hardstanding area is significant in its extent and has a very urban appearance. The hard landscaped area and caravans would be a conspicuous feature to passers-by and the wider surroundings including views from the Chilterns AONB and heritage assets within the Towersey Conservation Area.

- c) *Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*

No landscaping/play areas have been provided for within the application.

- d) *Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

The appeal site would not respect and complement the local distinctiveness and vernacular character of the locality. The development has an imposing pier/gate and has been enclosed with high post and rail fencing and does not assimilate well into the surrounding environment.

The proposal also does not meet the following criteria within SODC Policy H14:

- *the proposal will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate visual impacts on its surroundings;*
- *there are no adverse impacts on the significance of heritage assets;*
- *the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.*

This was confirmed in an appeal decision on a 'similar' proposal for containers on an adjacent site (APP/Q3115/W/18/3213195) which was dismissed on the following grounds:

- little opportunity to access the site via sustainable transport modes. The site is not within safe walking distance, insofar as there is no paved continuous footway from the village to the site.
- (by inference) change to the character and appearance of the countryside having regard to the lack of a landscaping scheme.
- Activity associated with development in tranquil area would more significantly harm the character and appearance of the area.

While SODC granted planning permission for a one bed dwelling on the site (P22/S3712/FUL) it was on the basis that it was re-use of a redundant rural building. The case officer in that instance stated: 'The site is outside of the main core of Towersey and is not a location where the construction of a new dwelling would be acceptable'.

This proposal for six caravans is a very different proposition to a one bed dwelling. Given that the character of the proposal would be materially different, the fall-back position provided by the one bed dwelling would not overcome the significant harm identified. A one bed dwelling would not be in continuous use – and would have very few vehicle movements. The proposed caravan site would be wholly at odds within the open countryside and fail to respect the established character of the area due to the lights and the massing that would take place i.e. due to the significant infrastructure and regular car/people movements. Approving the proposal would establish the character of the area and allow for the site to be extended in the future to accommodate further caravans in the open countryside.

In terms of need for additional traveller sites - there is no evidence that the applicant has attempted to ascertain whether there are any authorised vacant pitches available on an established Gypsy and Traveller site in the district for him and his adult sons. The degree of harm to the local landscape (i.e. in terms of character, appearance and ecology) and the poor location of the site in accessibility terms clearly outweighs the need for this non allocated travel site.

## COMMENT 6

I wish to object to the planning appeal proposing 6 caravans and hardstanding (P24/S2018/DA) as the site is not sustainable environmentally or socially:

1. *The site does not have safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.*
  - *The development is on a 60mph road with no pavement or lighting.*
2. *The proposal will have an unacceptable impact on the character and appearance of the landscape, the significance of heritage assets and the amenity of neighbouring properties, and has not been sensitively designed to mitigate visual impacts on its surroundings.*
  - *Overdevelopment of a site within open countryside (including significant hardstanding giving an urban appearance) away from existing settlements/outside areas allocated in the development plan.*

The Inspector on a proposal for a solar farm on an adjacent site inferred that further development in that area would result in unacceptable harm to the significance of heritage assets and the character/appearance of the area: *If the appeal scheme was permitted the LPA would not be bound to approve any future enlargement of the development before me or permit other solar farms elsewhere. Even if a scheme of enlargement was submitted to the LPA an applicant, amongst other things, would need to demonstrate that any such development was in scale with the character of the landscape and did not unacceptably harm the significance of heritage assets or the appearance of this area of countryside. As I have already noted above, the proposed development would be visible from some neighbouring properties. The solar PVs are intended to absorb rather than reflect light and would be unlikely to result in any serious glint or glare. Whilst for some residents the proposal would alter their outlook, the development would not be so close as to appear overbearing or oppressive. The occupiers of neighbouring dwellings would continue to enjoy a pleasant and predominantly rural outlook.*

*Another Inspector on a proposal for containers on the same site dismissed the appeal stating: The development would result in a modest perceptual change to the character and appearance of the countryside from the containers themselves, having regard to the potential screening afforded by a landscaping scheme. However, I consider it is the potential activity associated with their use that would more significantly harm the character and appearance of the area, together with the unsustainable location of the site itself (i.e. not within safe walking distance, insofar as there is no paved continuous footway from the village to the site). This would be contrary to saved policies C4, D1, G2, G4 and E5 of the SOLP.*

- The site is not integrated with the rest of the community to promote peaceful and integrated co-existence between the site and the local community. Not only is it outside the built-up boundary of the village as defined in the Towersey Neighbourhood plan but it is also enclosed with high post/rail fencing and fronted by a large imposing gate and piers.
  - The Ecology Officer has confirmed that the development will result in a significant loss of biodiversity contrary to Local Plan policy.
  - No flood risk or contamination assessment has been undertaken for the wider development (i.e. including areas where unlawful development has taken place).
  - Poor design resulting in significant harm to the landscape/countryside. There has been no thoughtful consideration to mitigating the landscape (e.g. planting etc) and visual impact of the proposed development.
3. The applicant has not provided any evidence to support that he and his family are persons that are leading or have led a nomadic life. Further, the original refused planning application (P24/S0941/FUL) stated that the proposal was to accommodate the applicant and his two adult sons. However, the appellant is now proposing that the appeal site is to accommodate both his immediate and extended family. There is clearly an inconsistency – the appellant has introduced families with young children to allow him to include human rights arguments. Robust evidence therefore needs to be provided to verify the identity and status of the applicant and his extended family. The comment that the families have been ‘trying’ to register children in school – would seem disingenuous as having checked there are places available in Thame schools (Barley Hill Primary and Lord Williams Secondary) plus LAs have a statutory duty to place all children and in the event there are no places they can allocate schools over number under fair access.

If an applicant is of a generally nomadic habit of life – he has not explained why he is applying for a permanent residential planning permission. The applicants are not confined to a permanent base for personal reasons such as sickness and/or the interests of their children.

In the case of *R v South Hams DC Ex p. Gibbs* [1995] Q.B. 158, the Court of Appeal was concerned with the definition of “gypsies” in s16 of the Caravan Sites Act. Whilst confirming that nomadism must necessarily involve “wandering or travelling from place to place”, the Court decided that:

*“there must be some recognisable connection between the wandering or travelling from place to place and the means whereby the persons concerned make or seek their livelihood”. In addition, “section sixteen [of the Caravan Sites Act 1968] does not therefore apply to persons or individuals who move from place to place merely as the fancy takes them and without any connection between the movement and their means of livelihood”*

It is for the applicant to demonstrate that status and for the LPA to be satisfied with the evidence presented. The application should be accompanied by information on evidence of the applicant's gypsy status: *"including details of travelling by the applicant and by family members for the purpose of work and copies (not originals in case they are lost) of family photographs"*. Otherwise this application is essentially a means to address the national shortage of affordable housing.

It is also worth referring to another Court of Appeal decision: *Wrexham CBC v National Assembly of Wales* [2003] EWCA Civ 835 where Auld LJ stated that the following propositions of law should be applied:

*"(2) Whether applicants for planning permissions are of a 'nomadic way of life' as a matter of planning law and policy is a functional test to be applied to their normal way of life at the time of the determination. Are they at that time following such a habit of life in the sense of a pattern and/or a rhythm of fulltime or seasonal or other periodic travelling? The fact that they may have a permanent base from which they set out [on], and to which they return from, their periodic travelling may not deprive them of a nomadic status. And the fact that they are temporarily confined to their permanent base for personal reasons such as sickness and/or possibly the interests of their children may not do so either, depending on the reasons and the length of time, past and projected, of the abeyance of their travelling life. But if they have retired permanently from travelling for whatever reason, ill health, age or simply because they no longer wish to follow that way of life, they no longer have a 'nomadic way of life'. That is not to say that they cannot recover it later, if their circumstances and intention change...But that would arise if and when they made some future application for permission on the strength of that resumption of status".*

*(3) "Where, as here, a question is raised before a Planning Inspector as to whether the applicants for planning permission are 'gypsies' for the purpose of planning law and policy, he should, (1) clearly direct himself to and identify, the statutory and policy meaning of that word; and (2) as a second and separate exercise, decide by reference to that meaning on the facts of the case whether the applicants fall within it..."*

*(4) In making the second, factual, decision whether applicants of planning permission are gypsies, the first and most important consideration is whether they are – to use a neutral expression – actually living a travelling life, whether a seasonal or periodic in some other way, at the time of the determination. If they are not, then it is a matter of fact and degree whether the current absence of travelling means that they have not acquired or no longer follow a nomadic way of life."*

## COMMENT 7

I sent my response in and then was advised to remove my name and address - I contacted SODC and they did that so my comments are up but anonymous.

I sent as follows;

My main concern is the precedent that approval would set for other multiple barns/stables in and around Towersey. Plans were accepted & approved for the 1 bedroom house to replace the stables. The land with planning permission was bought in the full knowledge of the approved plans. If the current application was approved, it would set a precedent for any similar stables/barns that in the future may have development plans approved, to be easily converted into traveller sites.

Work to position traveller caravans has already started. There is one static and at least 3 other caravans already on site, in contravention of the injunction.

There will also be an environmental impact to the site. Fires have already been set with black heavy polluting smoke. Hedges have been removed. Such a site will significantly impact the rural landscape and character of the countryside. A one-bedroomed house replacing the stable would blend in, while 6 caravans, 3 of them static will not. As the new owners have horses, I expect the stables will be retained, or even added to, once again extending the coverage of the site.

Vehicle access will also be a challenge for the caravans, static or otherwise, both coming in and exiting.

Finally, the Neighbourhood Plan has recently been completed and approved. This Plan explains how the village would like to see the neighbourhood develop. Small single site developments and infill principles have been supported, but traveller sites have not.

The response to the plans from PC - you? was fantastic, as was SODC reasoning. I fully endorse those 2 docs.

My only additional would be to add the following;

Since the planning refusal was made, the travellers have continued to develop the site in breach of the refusal and any other legal bars to the site development. A second very large fixed caravan has arrived and stables/sheds have been built. They will obviously keep developing the site.

A non planning point is that they have taken over a field that they do not own, broken down fencing and have even driven a quad bike through farmers crops.

## **COMMENT 8**

We strongly support the stance of SODC in rejecting the planning application for 3 travellers pitches at Emmanuel Ranch and the subsequent enforcement notice of South Oxfordshire District Council. The refusal reasons and enforcement requirements are fully justified.

The site is not a sustainable location and for pedestrians it is dangerous to walk along unlit 60mph Roads to Thame with no footpaths. This is particularly the case for children when walking to school as there is no bus.

Placing caravans and static homes here is detrimental to the rural character of the area, as has been pointed out in a previous appeal to place just one caravan here.

The applicant has done enormous damage to the site with earthworks, removal of vegetation and hedgerows and most recently by covering almost the whole of the

landholding in hard standing. Not only does this impose a strong urban characteristic to the site but it has undoubtedly had an effect on biodiversity, resulting in net loss.

Additionally, planning rules do not seem to apply to the applicant, all the recent development is outside the proposed location of the refused 3 pitches, thus the enforcement notice must cover the whole site, as detailed in the enforcement notice.

There are serious events that have occurred, and continue to occur, which are to the detriment of the village and in some cases probably unlawful. These include burning of rubbish, sometimes with thick black smoke, unlawful electrical and water connections, damage to neighbouring agricultural crops and amenity fields caused by quadbike riding and motorbike or electric trailbike riding, opportunistic grazing of horses on land that is not owned by the occupants and most recently what appears to be fencing off of part of someone else's field. Whilst there are people resident on the site there does not appear to be any facilities for the safe disposal of waste either. We note that a building has suddenly appeared next to Windmill Road together with a second large static home without planning permission. None of these activities help good community relationships.

SODC have a cast iron case for refusing planning permission and the enforcement notice is highly appropriate to rectify the flagrant breaches of planning control. We ask that both appeals are rejected.

## **COMMENT 9**

### **Enforcement appeal**

The site was granted planning permission for a perfectly reasonable conversion of a neglected stable building into a single bedroom dwelling. The new owners of the site, however, appear to have completely ignored the Council's decision and begun developing the property. This includes hard standings with several caravan/mobile homes, installation of intrusive flood lighting, imposing boundary walls and harbouring of commercial vehicles.

In all this has shown contemptuous disregard of the planning process and disrespect of the law. The Council's decision should be upheld, and the site restored in accordance with the original plan.

### **Refusal of planning permission appeal**

We object to this appeal for the following reasons :

Planning permission was given consistent with local development schemes and the Towersey Neighbourhood plan. This recognises that the village forms part of an agricultural landscape. Its character would be blighted by development for multiple caravan/mobile homes and change of use to accommodate the traffic of commercial vehicles. There is further concern that the site does not have the necessary infrastructure for multiple occupancy (drains, sewage etc) or the local amenities (schools, doctors etc) to support the particular needs of a Gypsy community.

## **COMMENT 10**

Despite clear planning permission being granted for this field with a disused stable to adapt to just one bedroom dwelling, the new owners have flaunted the law. We are now subjected to multiple vehicles coming in and out of the huge wooden gates - making the single lane, with unrestricted speed zone on a badly cambered surface dangerous to navigate. There also the distraction of the 24hr night pollution created by their stadium like lighting around the site. I am now very nervous of driving along that rural Section of Windmill Road, particularly in the dark as there is no street lighting and it is frequently used by dog walkers and cyclists (who will continue to use it in the dark winter months). Several times the road has been completely obstructed by their attempts to manoeuvre large caravans and static homes onto the site, and there is a constant flow of various commercial vehicles coming and going. None of these hazards would have been created had they stuck to the planning permission of a single bedroomed dwelling.

I hope you will refuse this appeal and ensure they abide by the law.

#### **COMMENT 11**

What I would question is the action/reaction of SODC, (Environment), Thames Water, electricity Authorities to criminal/anti social activity that began during the development of the Windmill Rd site. If anything has been followed through by these authorities, can we now bring those findings/consequences to the notice of those involved in the Appeal process? The environmental law breeches include burning piles of tyres etc, unlawful waste water discharge etc. Large fires have been large scale and frequent. This to the annoyance and detriment of local households. Hope this can help complete the picture of how 'harmonious' and friendly our new neighbours have been!!

#### **COMMENT 12**

I am writing to object to  
APP/Q3115/C/24/3346856

And the linked appeal

Reference: APP/Q3115/W/24/3346849

I would like my comments to be considered again in this appeal.

I would also like to stress that the applicant is showing absolutely no respect for planning law, court injunctions and anyone that challenges this man, is likely to face verbal and or physical threats. I strongly believe that the enforcement is the right decision as we have lost bio diversity through extensive hedge removal, removable of grass and meadow and the light pollution from the site is something I have never seen on all my years living in this village.

The noise, bonfires, burning of roof materials is a regular occurrence and whilst this may not be a planning issue, is environmentally damaging.

The applicant has now covered nearly the entire site in over 2000 tones of crushed concrete which will now make the planning application impossible to replicate as



well as the enforcement incredible expensive to put back to the original situation of a biodiverse paddock. I have no doubt the applicant has zero interest of putting the land back to its original positing leaving the tax payer considerably out of pocket.

I would ask the planning inspectorate to visit the site in person as the vast majority of both appeals are lies, false truths and a complete waste of public funds. I would ask the inspectorate to dismiss both appeals.

**END OF RESIDENTS COMMENTS**