

From Towersey Parish Council – 21 August 2024 –re Emmanuel Ranch Windmill Rd

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

Towersey Parish Council would like to draw the Inspectors attention to our objections to P24/S0941/FUL submitted to SODC on in our capacity as a Statutory Consultee. We also wish the following comments on the information provided by the applicant to be taken into consideration in the determination of these linked appeals as there are factual errors and omissions. Our comments refer to specific numbered paragraphs in the applicant's appeal document.

2. Site Description (both linked appeals)

The site description is inaccurate and misleading.

Paragraphs 2.2, 2.3 and 2.4 The site is not approximately 180m north of Towersey, it is 220m from the settlement boundary of Towersey. At the time of refusal of P24/S0941/FUL (and prior to the application being submitted) there was no horse exercise arena as described, the land to the north and south of the hard surface driveway and to the north of the ménage was not laid to grass as all the vegetation had been removed by the applicant. Likewise the hedgerows on the northern and eastern boundaries of the larger site (marked in blue on the planning application) within which the development area (marked in red on the planning application) were removed and replaced with fencing before the application. Image 1, 2 and 3 show the original state of the whole site prior to any works, early clearance works and the condition of the site (19 November 2023). The development site and the neighbouring landholding of the applicant has been subject to vegetation clearance, changes of levels and substantial alteration prior to application P24/S0941/FUL, none of which is permitted development. These changes commenced in 2023 and were substantial at the time of planning refusal.



Image 1 Condition of whole site prior to occupation May 2020 (from Google Earth)



Image 2 Whole site clearance operations 11 October 2023



Image 3 Whole site cleared 19 November 2023.

3 Planning history (both linked appeals)

The submitted planning history of the site is incomplete. Prior to 2019, there had been applications which are relevant in:

1972 (P72/M0469): Erection of two dwellings – refused on the grounds that it would constitute undesirable development in the countryside and be detrimental to the rural landscape.

1986 (P86/N0765): Erection of 2 stables and feed store - refused as it would detract from the rural character of the area

1987 (P87/N0032): Creation of field access from Windmill Road – permitted

1992 (P92/N0151): Extension to existing building for storage of hay and straw.- permitted

2002 (P02/N0244): Construction of manège for horses, riding and keeping of horses and - approved

2004 (P04/E0383/RET): Construction of pole barn (retrospective) and stationing of caravan for husbandry purposes (personal use only) - approved

2006 (P06/E0618/RET): Continuation of use of land for equestrian purposes and retention of mobile home on site for equestrian purposes associated with change of ownership (retrospective)– retention of mobile home refused

2007 (P07/E1209): (retrospective) Retain the mobile home for temporary use – refused and followed by enforcement notice

2008: appeals against refusal of P07/E1209 and subsequent enforcement dismissed (APP/Q3115/C/08/2074268 & 2074269 and APP/Q3115/A/08/2073839).

The 2008 appeals are of importance to this current appeal against refusal for the siting of three pitches (P24//S0941/FUL) and the subsequent enforcement notice. The then Inspector commented

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on the rural character of the location and the impact of a single mobile home on the site, even when this mobile home was away from the road and adjacent to the existing stable block on the site . Paragraph 11 of the decision notice states: *‘The stationing of a mobile home is materially harmful to the character and appearance of the area’*. Likewise the grounds for refusal of the previous applications (1972 and 1986) by SODC are still of relevance today.

The case on behalf of the applicant (Appeal APP/Q3115/W/24/3346849)

5. Principle of development

Paragraphs 5.3 and 5.4 should be disregarded. Reference is made to a *settlement* being undefined in PPTS. Settlement boundaries are an important tool in planning. The settlement boundary is defined in the Towersey Neighbourhood Plan that was made in 2023. Beyond the boundary is the open, rural, countryside, where the appeal site is situated. Policy H of PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that are away from existing settlements or outside areas allocated in the development plan.

Paragraph 5.5 makes reference to ‘away from’ being undefined and inferring a significant degree of detachment. Two appeals are referenced to make the case that the appeal site is not significantly away from the existing settlement of Towersey and other facilities. In each appeal, access to facilities (i.e. remoteness) were determined on their own particular circumstances. These two cases do not determine overall policy. The argument put forward by the appellant is undermined by Paragraph 26 of the Inspector’s report on the submitted Appeal for Land at 12 Kiln Lane Garsington (Appendix PBA 11 of appeal case), in which the separation of that site from the settlement of Garsington by one field was sufficient for that appeal site to be considered as being in a rural setting (i.e away from a settlement). Importantly, distance to services is only one component on which the suitability and sustainability of gypsy sites away from settlements may be determined.

Paragraph 5.8 and 5.9 There is no meaningful public transport from Towersey. One bus to Thame and one back only on Tuesdays and Thursdays does not contribute to sustainable travel. The applicants case also ignores the walk to Thame from Towersey and from the site to Towersey being on unlit roads where there the national speed limit applies and that there are no footpaths beyond the settlement boundaries. Together, these do not make viable alternatives to the use of private vehicles, and is contrary to sustainable transport solutions.

Paragraph 5.11 should be disregarded. There is no need to have a settled address to register with a GP (see UK GOV WEBSITE FOR DETAILS). School education is available for all children of compulsory school age. This statutory duty applies to children whether they are living permanently or temporarily in any location.

The Development Plan (Appeal APP/Q3115/W/24/3346849)

Paragraph 5.13 SODC Policy H14 states that 7 criteria must be met for permitting Additional sites for Gypsies, Travellers and Travelling Show people. It is clearly stated in the Policy that the 7 criteria must be met and does not imply that if one or other of the criteria is not satisfied, planning permission should not be refused.

Paragraph 5.14 should be disregarded as means of travel is not mentioned in Policy H14.

In Paragraph 5.16 it is claimed the site already benefits from mains electricity and water. Mains electricity was removed from the site prior by UK Power Networks in April 2024 as the connections were illegally made and Thames Water have no record of a legal connection to water. This last was confirmed on 16 August 2024.

Contamination (APP/Q3115/W/24/3346849)

Paragraphs 5.19 and 5.20 assess contamination. In their refusal of planning permission SODC clearly pointed out that the applicant's previous earthworks and clearance operations over the whole site make encapsulation unacceptable. This is covered in paragraphs 1.9 and 1.10 of the Delegated Report of SODC accompanying the refusal of P22/S3712/FUL. Further contamination would have been introduced to the site with the burning of a caravan and other materials around the site. Thus the *'potential harm to the health of the occupants of the proposed development from existing contaminants on the site has not been adequately addressed in the current application'* (Reason 6 of the refusal). Image 2 and 3 (above) and image 4 illustrate the magnitude of the earth movement around the whole site, including changing of levels.



Image 4 Illustration of changes of levels associated with large-scale earth movements over the whole site (1 November 2023).

Effect on the Countryside (APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856)

Paragraph 5.21 states that the appeal site is not identified in the Development Plan as being of any particular landscape value and use of this land as a gypsy caravan site would be consistent with paragraphs 14 and 25 of PPTS. The site is in Landscape Character Type 11: Rolling Clayland. This landscape is certainly of value, characterised by small to medium sized grass fields with some arable cropping, with a rolling landform with scattered areas of woodland, hedgerows and trees and

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willows bordering many small streams and ditches. Essentially this is a rural pastoral landscape, without urban characteristics or incongruous developments. Towersey Neighbourhood Plan emphasises the local importance of the landscape and its undeveloped nature as contextualising the Towersey settlement. The Neighbourhood Plan was driven by 7 clear objectives, the first being '*To preserve and enhance the open countryside*' in support of the vision of maintaining Towersey as '*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 community*'.

The siting of caravans, paraphernalia and hard-standing will therefore have an adverse effect on this landscape in its specific valued local context and is contrary to Policies 14, 25 and 26 of PPTS. It is also contrary to the Neighbourhood Plan. Put simply the application is unacceptably harmful to the landscape character in this particular location and is unacceptably harmful to the setting of the settlement of Towersey. The refused plans do not detail the normally expected day-rooms and amenity and recreation areas required on a gypsy caravan site. Their inclusion would further add to the urbanisation of the location and increase the level of harm.

Paragraph 5.25 should be disregarded as the information is erroneous. There is not a substantive native hedgerow along the northern boundary of the applicant's land holding -it was removed and replaced with close boarded and post and rail fencing, together with an incongruous tall close boarded fence behind the hedgerow bordering Windmill Road present before the application (P24/S0941/FUL) was made and subsequently refused. More recent developments (which are not the subject of this appeal) clearly show that the paddocks have been replaced by hard standing (Image 5), and static caravans and a building are now in close proximity to Windmill Road. Thus, the site is more prominently located, obtrusive and completely out of character with the open rural agricultural landscape. A previous appeal (2008) for the siting of one static home at the this site was refused because of character impact, but in the case of the appeal, more is proposed. The applicant has therefore not demonstrated that criterion iii) of Policy H14 of PTTS has been met.



Image 5 Hard standing over most of the applicants site together with a new static home and a building close to Windmill Road. Image from 16 August 2024.

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Biodiversity (APP/Q3115/W/24/3346849 and APP/Q3115/C/24/3346856)

Paragraph 5.26 states that the loss of grassland would be minimal. Because of the earthworks and total vegetation clearance prior to the application being made, all grassland has been lost from the site. Continuing work after the appeal submission also shows that this loss of grassland is intended to be far more than minimal.

Paragraphs 5.27 refers to the conversion of part of the existing barn into a one bedroom dwelling (Application P19/A0606/FUL). This very minor development would not have caused loss of biodiversity, as there was no proposal to remove or modify scrub, grassland or hedgerows and thus a detailed appraisal of impact on biodiversity would not have been required.

Paragraph 5.28 The fact that SODC did not request an ecological assessment for P19/S0606/FUL is not relevant to the refusal of P22/S3712/FUL and this appeal. Prior to refusal of P22/S3712/FUL, SODC requested information about biodiversity on the site and its changes associated with the development (Paragraph 1.16 of the delegated report supporting refusal). The applicant did not respond to this request (and other specific requests).

Paragraph 5.29. There have been major losses of biodiversity on the site, prior to the submitting of the application and its refusal. The details of what was probably there and the likelihood of impacts on protected species and overall biodiversity are detailed in both Towersey Parish Council's objections and the comments of the Ecology Team (South & Vale) of 12 April 2024. Additionally, there is ample evidence that it is not the case that the applicant intends for more than half of the land-holding to remain undeveloped, it has already been destroyed and covered in hard standing. It is difficult to envisage that issues of biodiversity loss can now be addressed by a landscape condition. Restoration is required as detailed in the enforcement notice.

Personal Circumstances (Appeal APP/Q3115/W/24/3346849)

The appellant considers that all the criteria for establishing a gypsy site on this location have been met, and that the personal circumstances of the applicants, especially of their children should be given great weight in comparison to any other consideration or combination of considerations.

Paragraph 4.42 Whilst TPC are not fully aware of the personal circumstances of the adults it is stated that the roofers who have until recently been travelling around the country for work have recently been living on holiday campsites or on the roadside. Milo Smith is the director of Exceptional Roofing Ltd. One website of Exceptional Roofing Ltd implies this is a local company that works in local locations, not nationally "*Based in Thame, we welcome all enquiries from a large area including High Wycombe, Beaconsfield, Amersham, Chesham, Chorleywood, Chalfont St Giles, Aylesbury, Wendover, Princes Risborough, Didcot, Henley on Thames, and all surrounding areas.*" , another says it operates in "*Oxford, Abingdon, Kennington, and all surrounding areas*" This may imply that there is no significant history of travelling all over the country to find work. Darren Smith is the director of DS Roofing South Ltd, briefly registered at Emmanuel Ranch but details of where the company operates are not available on-line.

Paragraph 5.42. Oxfordshire County Council has a duty to provide school places for both primary and secondary school children. The families probably arrived on site in March 2024 (or earlier). As the

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response time for in-year registration is a maximum of 15 school days it is slightly perplexing that the parents have not yet managed to register children in school.

Appeal against Enforcement (APP/Q3115/C/24/3346856)

Appeal under Ground (C and (F)

Paragraphs 5.46 and 5.47. It is stated that the existing driveway and hardstanding is largely in accordance with the planning permission for the barn. Compliance with what was permitted within the red line boundary of P19/A0606/FUL is required. The erection of fencing outwith the red line boundary, and the elevated hardstanding to the east of the stable block within the red line boundary does not accord with the permitted plans. Any works outside the red line boundary and within the red line boundary that were not detailed in the application do not constitute 'permitted development' and therefore enforcement is appropriate.

5.48. The Enforcement notice lists a number of requirements (not all given in the appeal submission) to restore the land to its prior condition and is entirely consistent with the obligations required to restore the whole of the applicant's land holding to its condition prior to the '*material change of use to mixed use*', but permitting P19/S0606/FUL (the only extant planning permission for the site) to be implemented.

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We are particularly concerned that the only planning consent on the site is for the conversion of part of the barn to a one-bedroom dwelling. Most of the works on the whole of the site are outside the red line boundary of the actual area of land over which planning permission was granted and we ask that the Planning Inspectorate give **great weight** to the facts that a) a High Court Injunction over the siting of caravans on the land has been wilfully ignored, b) none of the works have been in accordance with what is permitted, c) despite refusal and enforcement notices works continue apace d) the actual location of where the three pitches were planned to be put is the one area of the applicant's landholding that is not being developed, e) the activities on the site have led to a loss of biodiversity, and f) from the siting of a new mobile home and a building close to Windmill Road, together with new and very extensive hardstanding it appears that the applicant is facilitating more caravans and static homes on the land than was applied for. If the appeal against planning permission is refused, then item f) would be refused on the same grounds if it were the subject of another planning application and the enforcement notice which is being appealed would apply to those works as well.

We note that a new fence extending from the north-east corner of the site over land that is not owned by the applicant has been recently constructed (Image 5). This enclosure of land may not, from our knowledge, be with the owner's permission. Prior to the disconnection of mains electricity, the floodlighting of the site (Image 6) caused much anxiety and nuisance to the local community as did (and still does) the burning of rubbish on the site (Image 7) sometimes accompanied by thick black smoke. When combined with illegal use of electricity and water, the lack of proper sanitation on the site, quad biking, motorbiking and fly grazing of horses on neighbouring fields the activities on the site run completely contrary to the aspirations for integration and a sociable community and represent loss of amenity and are also a cause of potential conflict within Towersey.

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Image 6. Light pollution from Emmanuel Ranch 00.14am 23 January 2024. This image is from c.300m from the site, it used to be an area characterised as having a 'dark sky'



Image 7. Large rubbish fire from c.300m, 15 August 11pm.

IN CONCLUSION

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Towersey Parish Council requests that both appeals are dismissed. The full list of Policies that are breached in refusing P24/S0941/FUL and the reasons behind this are given in the refusal notice and

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officers report. The enforcement notice is fully justified and the demand to restore the site to its previous condition is also fully justified.