

**REPORT FORM ENF5
AUTHORISATION FOR ENFORCEMENT ACTION**

ENFORCEMENT REF	SE23/312
REGISTERED	12 October 2023
PARISH	Towersey
SITE	Emmanuel Ranch (formerly known as Windmill Meadow), Windmill Road, Towersey, OX9 3QQ
ALLEGED BREACH	Without planning permission the material change of use of the land from keeping of horses to a mixed use, namely 1) keeping of horses; and 2) the stationing of four caravans for residential use, together with facilitating development including: earthworks to clear and alter the levels of the land to create a development platform; the laying of a hardstanding driveway and parking and manoeuvring areas; the erection of close-boarded fences, ornamental pillars and gates; and the installation of poles mounted with external lighting and closed-circuit television surveillance equipment.
OWNER/OCCUPIER	Darren Smith (owner) Milo Lee (owner) Darren Lee (occupier)
AUTHOR	Rob Cramp

1.0 INTRODUCTION

- 1.1 This enforcement investigation was commenced on 12 October 2023 following the receipt of information that unauthorised engineering operations were in progress, allegedly for the purpose of facilitating a material change of use of the land from the keeping of horses to use as a residential caravan site by persons claiming gypsy traveller status.
- 1.2 On 6 December 2023 the High Court issued an injunction pursuant to section 187B of the Town and Country Planning Act 1990 prohibiting the owners from bringing onto the Land any caravan and/or mobile home without the written permission of the council. It further prohibited the owner from carrying out any works on the land in breach of planning control. A total of four caravans have since been stationed on the land and facilitating operations undertaken contrary to the terms of the injunction.
- 1.3 On 9 May 2024 the council refused a part retrospective planning application (P24/S0941/FUL) for the *“Change of use of land to use as a residential caravan site for 3 gypsy families, including the stationing of 6 caravans of which no more than 3 are to be static caravans/mobile homes, together with the laying of hardstanding”*.
- 1.4 It now falls to the council to consider the need for enforcement action in connection with the unauthorised development already undertaken. The decision to enforce or not to enforce against a breaches of planning control is delegated to officers under the council’s constitution and scheme of delegations.

2.0 THE SITE AND ALLEGED BREACH

- 2.1 Emmanuel Ranch (formerly known as Windmill Meadow) covers an area of approximately 0.80ha. It is situated in the open countryside approximately 200m north of the built-up limits of small village of Towersey and approximately 1.5 km east of the

built-up limits of the township of Thame. The site is surrounded on all sides by land in agricultural use. Further to the north (approximately 100m away) is a sewage treatment works and to the northeast (approximately 160m away) is a solar farm.

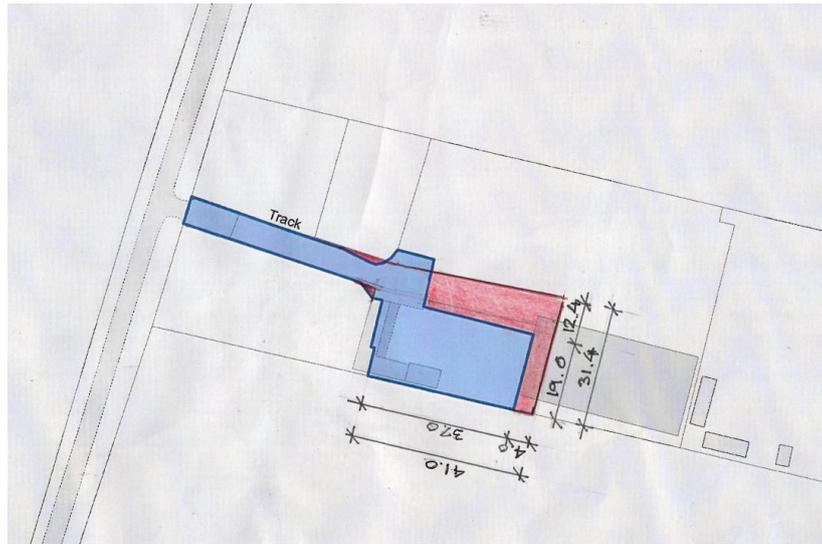
- 2.2 Access to the application site is via an existing access off the western side of Windmill Road, which is unlit, has no separate footpath and is subject to national speed limit (60mph) adjacent to the entrance to the site.
- 2.3 Erected on the site is a small complex of buildings comprising a barn and stables, which are erected adjacent to the southern (side boundary) approximately midway back on the site. Prior to the recent unauthorised development of the site, the complex of buildings was accessed via a modest (unformed) track extending from the existing access in the middle of the front boundary. This complex of buildings was surrounded on three sides by open paddocks used for the grazing of animals mainly horses. The wider site was largely enclosed by a combination of post and rail fences and hedge rows.
- 2.4 Part of the site benefits from an extant planning permission (P22/S3712/FUL) dated 21 November 2022, for the conversion of part of the existing stable and barn complex to a 1 x bedroom dwelling. The plan below shows the enforcement site (edged red) and the area approved by planning permission P22/S3712/FUL for barn/stable conversion.



- 2.5 In or around October 2023 the council commenced the current enforcement investigation (SE23/312) into unauthorised works being undertaken on the wider holding, allegedly for the purpose of developing the land as a caravan site for gypsy travellers, without the benefit of planning permission.
- 2.6 Initially the unauthorised works involved:
- the removal of existing hedgerows and other vegetation from the site;
 - earthworks to change the levels of the land and create a development platform;
 - erection of domestic style close-board timber fencing to parts of the front, side and rear boundaries (in places exceeding 2m in height);
 - the erection of brick pillars exceeding 2m in height adjacent to the entrance to the site; and
 - the laying of a hard core material to form a hardstanding over the previously unformed track and newly formed development platform.
- 2.7 The owner denied any claim to gypsy traveller status and indicated that he had no intention of developing the land as a residential caravan site. It was the owner's claim that, in undertaking the above works, he was only seeking to implement planning permission (P22/S3712/FUL) for the barn/stable conversion. However, the area

covered by these unauthorised operations well exceeded the area approved by planning permission P22/S3712/FUL.

- 2.8 According to the owner's agent at the time, the hardstanding was being laid in order to encapsulate known contaminants on the site allegedly in connection with the implementation of the above planning permission. However, these works do not conform to the contamination remediation works approved by the council; nor did the above permission approve any alterations to the existing levels of the land. The areas coloured red on the plan below show the extent to which the hardstanding area as constructed exceed the area approved by planning permission P22/S3712/FUL (coloured blue).



- 2.9 On 6 December 2023 the High Court issued an injunction pursuant to section 187B of the Town and Country Planning Act 1990. Under the terms of the Injunction the owners were prohibited from bringing onto the Land any caravan and/or mobile home without the written permission of the council. The injunction also made clear that the council was not to refuse written permission if the proposed use and siting of the caravan and/or mobile home would be lawful by reason of Class A of Part 5 of Schedule 2 of the (General Permitted Development Order (GPDO) when read with paragraph 9 of Schedule 1 to the Caravan Sites and Control of Development Act 1960. The injunction further prohibited the defendants from carrying out any works on the Land in breach of planning control but did not prevent the defendants from undertaking development in accordance with the extant permission.
- 2.10 Class A of Part 5 of Schedule 2 of the GPDO grants a permitted development right for the: *"use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out ... if that use is for the accommodation of a person or persons employed in connection with the said operations"*. This permitted development right exists only for the duration of the lawful operation.
- 2.11 In an email dated 23 January 2024 the council agreed to the stationing of just one caravan on the land, to be occupied only by the owner and his two grown sons as the builders employed in the operations to implement planning permission P22/S3712/FUL, for the duration of the operation only.
- 2.12 The owner has, however, breached the terms of the injunction by stationing 4 x caravans on the site, which are occupied by owner, his two grown sons and their

extended family. It is understood that this includes up to 12 persons, including 4 x children under the age of five years and 1 x teenage minor. No operations have been undertaken to convert the barn/stable building to a single dwelling in accordance with planning permission P22/S3712/FUL. The stationing of these caravans does not benefit from the above claimed permitted development rights. It constitutes a breach of planning control and a breach of the terms of the injunction.

2.13 Furthermore the owner has continued to undertake works to facilitate the unauthorised residential use of the site without planning permission. These facilitating works include:

- the laying of a finishing course of fine road scalplings over the unauthorised driveway and hardstanding area;
- the placement of ornamental features on the unauthorised entrance pillars further extending their height above 2 metres;
- the installation of close boarded gates exceeding 2 metres in height;
- the installation of pole and wall mounted exterior lights and closed circuit television surveillance equipment.

These ongoing works are also a breach of planning control and a breach of the terms of the injunction.

2.14 The unauthorised earthworks and laying of extensive areas of hardstanding have resulted in significant damage to the existing landscape and a net loss of biodiversity from the site. They have also upset the natural drainage of the site and degraded the ability of disturbed areas of land to support vegetation. The unauthorised movement of earth around the site, has also shown no regard to the presence of known contaminants that were identified following testing of the site in connection with planning application P22/S3712/FUL.

2.15 The ornamental entrance feature, close boarded fencing, pole and wall mounted external lights and CCTV surveillance equipment in addition to the presence of 4 x caravans and related site sheds, vehicles and paraphernalia are distinctly urban in character and appearance. The totality of the development is contrary to the intrinsic value of the countryside and the landscape setting of the nearby village.

2.16 On 9 May 2024 the council refused a retrospective planning application P24/S0941/FUL for the *“Change of use of land to use as a residential caravan site for 3 gypsy families, including the stationing of 6 caravans of which no more than 3 are to be static caravans/mobile homes, together with the laying of hardstanding”*. The plan below shows the application site (edged red) in the context of the current enforcement site (edged blue).



2.17 It is my view that the correct planning unit corresponds to the whole of the site edged blue above and not the red edged area identified on the above refused planning application. In this regard, the apparent use of the same yard area for both the

stationing of caravans and the stabling of horses would suggest that there is no strong physical or functional separation between these uses. The enclosing nature of facilitating close boarded fence around the wider site and presence of CCTV and lighting poles within the blue edged areas would also suggest that the material change of use extends to the full extent of the site. The absence of any suitable outdoor amenity spaces within the area of hardstanding already created would also suggest that the blue edged area provides some element of outdoor recreation to proposed occupants of the caravans. The development platform created for the stationing of the existing caravan is the result of unauthorised earthworks sourcing earth spoil from the wider site.

- 2.18 The unauthorised material change of use of the land by the stationing of 4 x caravans for residential occupation occurred in or around March 2024. The breach of planning control, including both the above material change of use and related facilitating operations described above, will therefore remain vulnerable to enforcement action under Section 171B(1) of the Town and Country Planning Act 1990 ('the Act') until March 2034.

3.0 **CONSULTATIONS**

- 3.1 The following consultation responses were received in connection with planning application P24/S0941/FUL.

- 3.2 Towersey Parish Council – **Objects** to the proposed development for the following reasons:

- the site is in an open rural landscape approximately 200 metres outside the settlement boundary contrary to the character of the countryside;
- Towersey has a housing allocation target of zero;
- the development does not constitute infill development;
- the proposed caravans do not meet energy requirements for new development required by the neighbourhood plan;
- outdoor lighting from the development is harmful to the countryside;
- access contrary to highway safety having regard to prevailing traffic conditions and sight lines (unlit, no footpath, national speed limit);
- increase in vehicle movements;
- the removal of hedge rows to comply with vision splay requirements would be harmful to the rural character and would not be on land under the applicant's control;
- close boarded fencing contrary to open rural character;
- position and number of proposed soakaways not specified;
- no specification of foul water treatment;
- replacement of hedge rows with close boarded fencing has been harmful to the rural character of the site;
- loss of biodiversity has not been properly addressed;
- loss of landscape feature from the site;
- no provision for pitch amenity buildings that might be expected with gypsy sites;
- site contamination issues have not been adequately addressed;
- no evidence in support of gypsy/traveller status;
- an appeal inspector has already noted that a single caravan on this site would have a significant impact on the character of the area;
- unsustainable location without access to service and facilities and limited bus services;
- boundary treatments have closed the site off from the local community contrary to PPTS;
- lack of detail in the application;
- deliberate unauthorised development;

- odour from nearby sewage treatment works contrary to amenity of occupiers;
- 3.3 Drainage - (South & Vale) – **Holding objection** for the following reasons:
- the underlying geology for the area is impermeable;
 - percolation testing of the site is therefore required in support of any proposal for surface or foul water drainage reliant on infiltration;
 - failing this the demonstration of an alternative method(s) of drainage.
- 3.4 South -Highways Liaison Officer (Oxfordshire County Council) – **No strong views**, but makes the following comments:
- Windmill Road is subject to national speed limit (60mph) where visibility splays are required to be provided using a 2.4m setback to a distance of 215m in either direction to the nearside kerb - these splays can be provided.
 - The carriageway allows for two vehicles to pass each other.
 - In assessing the sustainability of the development, the Local Planning Authority should give due consideration to the poor accessibility of the site and future residents' likely high dependence on private travel. Opportunities for walking are considered unsafe and impractical especially for non-motorised users such as people with mobility difficulties and parents with prams furthermore at night or during inclement weather. Along 'Windmill Road', there is no pedestrian provision separate from the unlit carriageway.
 - Within cycling distance, confident and able cyclists may access a range of shops, services and public transport links.
 - Provision should be made within the site for bicycle storage.
 - Conditions regarding the vision splay dimensions, the retention of parking and manoeuvring areas and the provision of bicycle parking facilities, have been recommended in the event that permission is granted.
- 3.5 Contaminated Land – **Holding objection** for the following reasons:
- contamination reports were submitted in connection with planning application (P22/S3712/FUL) for a smaller development site;
 - given that the current application area has now changed (is larger) a new preliminary risk assessment covering the new application site needs to be submitted;
 - it is understood that significant earthworks have been undertaken potentially rendering previous knowledge on ground conditions unreliable.
- 3.6 Env. Protection Team – **No objection** subject to the inclusion of an informative regarding the need for a caravan site license.
- 3.7 Ecology Team (South and Vale) – **Holding object** for the following reasons:
- the unlawful works have resulted in the net loss and deterioration of habitats within both the red and blue line boundaries;
 - it is unlikely that these habitats were priority habitats;
 - harm to protected species is reasonably likely to have occurred and, in the absence of ecological survey information, it is not known what mitigation or compensation would be required to achieve compliance with Policy ENV2 of the local plan;
 - it may be suitable to restrict external lighting with planning conditions to mitigate harm to foraging and commuting bats;
 - no biodiversity metric has been submitted to support this application;
 - The development has likely a significant net loss of biodiversity contrary to Policy ENV3 of the local plan.
- 3.8 Planning Policy (SODC) – Advises that:

- The South Oxfordshire Local Plan 2035 identifies a requirement for 10 traveller pitches to be provided over the life of the plan based upon a 2017 GTAA;
- The definition of ‘gypsies and travellers’ in the Planning Policy for Traveller Sites has recently changed but until such time as an up-to-date GTAA is completed having regard to the revised definition the number of additional pitches needed is unknown;
- An up-to-date GTAA is currently being prepared to inform a new local plan to be adopted by the end of 2025;
- Since the last 2017 GTAA was published the council has granted 2 applications for permanent pitches there is therefore a need for 8 pitches to be delivered in the remaining plan period;
- The council is currently unable to identify a 5 year supply of deliverable site and therefore has a zero years’ supply of pitches.
- The current application therefore falls to be assessed against the criteria-based provisions of policy H14(2) for unallocated sites.

3.9 Waste Management – **No objection**

3.10 Campaign to Protect Rural England – **Objects** for the following reasons:

- remote location harmful to the open countryside;
- does not have safe and satisfactory vehicular and pedestrian access to the surrounding highway network;
- does not show how waste will be disposed of;
- is not supported by exceptional person circumstances;
- does not address outdoor lighting which is harmful to wildlife and dark skies.

3.11 Neighbour Objections (22) – **Object** for the following reasons:

- contrary to countryside and rural landscape;
- open countryside outside village limits – not infill;
- small village with zero housing allocation target;
- unsustainable location with insufficient access to facilities and services;
- pedestrian access unsuitable (unlit, no footpath, national speed limit);
- completely reliant on private motor vehicles;
- inadequate access and sightlines;
- no details of surface and foul water drainage;
- does not adequately address contamination risks;
- does not adequately address loss of biodiversity;
- recently installed close board fencing contrary to rural character;
- outdoor lighting of the site is harmful to rural character and amenity of the area;
- the application is silent regarding utility buildings normally associated with gypsy/traveller sites;
- flood impacts in village due to hardstanding areas;
- Contrary to the amenity of neighbouring properties.

4.0 **RELEVANT PLANNING HISTORY**

4.1 On 21st August 1972 the council refused a planning application (P72/M0469) for the erection of two dwellings and access on the site, on the basis that the development would constitute undesirable isolated development in the countryside. The application form describes the existing use of the land at the time to be “agriculture”.

4.2 On 21 January 1987 planning permission (P86/N0765) was granted for the erection of two stables and a feed store. The use of the land at the time is described as “the grazing of cattle”.

- 4.3 On 18 March 1987 planning permission (P87/N0032) was granted for the creation of an access. The use of the land at the time is described as “cattle grazing”.
- 4.4 On 11 June 1992 planning permission (P92/N0151) was granted for the change of use of the land from agriculture to the keeping of horse; an extension to an existing building for the storage of hay and straw; the erection of a stable; and the provision of liveryes for two horses/ponies. The grant of this permission was made personal to the then owner (condition 3).
- 4.5 On 29 May 2002 planning permission (P02/N0515) was granted for an all-weather manege for riding and schooling of horses and ponies.
- 4.6 On 10 October 2003 the council commenced an enforcement investigation (EE03/144) into the alleged stationing of a mobile home on the land for residential purposes.
- 4.7 On 17 May 2004 retrospective planning permission (P04/E0383/RET) was granted for the erection of a pole barn. The application describes the existing use as “keeping of horses”.
- 4.8 On 26 July 2006 retrospective planning permission (P06/E0618/RET) was granted for the continued use of land for equestrian purposes without compliance with condition 3 of planning permission P92/N0151 (no longer a personal permission). The application refers to the use of the land as involving both sheep and horses.
- 4.9 On 30 January 2008 the council refused a planning application (P07/E1209/RET) to retain the existing mobile home for temporary accommodation, on the basis that “the proposed development is not essential to the proper functioning of a viable agricultural holding and therefore represents an unnecessary encroachment of development into the countryside, which adversely impacts upon the openness and rural character of the surrounding area”. An appeal against this decision was dismissed by the Planning Inspectorate in a decision dated 24 October 2008. The application described the existing use as being both “equine and agricultural”.
- 4.10 On 18 March 2008 the council issued an enforcement notice (EE03/144) to require the use of the land for stationing of a mobile home on the land for residential purposes to cease for the same reason that planning application P07/E1209/RET was refused. The enforcement notice was upheld at appeal in the same decision dated 24 October 2008 (P08/E0771/DA). The notice was subsequently complied with.
- 4.11 On 8 March 2012 the council commenced an enforcement investigation (EE12/030) into the change of use of the land for siting of a residential caravan. The investigation was closed on 11 June 2012 following the voluntary removal of the caravan from the site.
- 4.12 On 1 August 2019 planning permission (P19/S0606/FUL) was granted for the conversion of part of the existing barn and stable complex to a 1 x bedroom dwelling. This permission lapsed on 31 July 2022. The application describes the last use of the site as “sheep”.
- 4.13 On 10 October 2022 the council refused an application for a certificate of lawful existing development (P22/S2895/LDE). It was the owner’s claim that planning permission P19/S0606/FUL for the barn conversion remained extant on the basis that building and ground works had substantially commenced prior to the planning permission lapsing. However, the available information, on the balance of probability, did not support the owner’s claim. The application referred to the existing use as involving only the stabling of horses.

- 4.14 On 21 November 2022 planning permission (P22/S3712/FUL) was granted for the conversion of part of the existing barn and stables complex to a 1 x bedroom dwelling. The application referred to the existing use as involving only the stabling of horses.
- 4.15 On 12 October 2023 the council commenced the current enforcement investigation (SE23/312) into the alleged carrying out of operations to facilitate the material change of use of the land from equestrian use to a caravan site or gypsy travellers.
- 4.16 On 6 December 2023 the High Court issued an injunction pursuant to section 187B of the Town and Country Planning Act 1990. Under the terms of the Injunction the owner of the application site is prohibited from bringing onto the Land any caravan and/or mobile home without the written permission of the council. The injunction further prohibited the defendants from carrying out any works on the land in breach of planning control but did not prevent the defendants from undertaking development in accordance with the extant permission.
- 4.17 The owner/applicant has deliberately violation of the terms of the injunction, by allowing 4 x caravans on to the site for which he does not have the written permission of the council; and the works thus far undertaken by the owner/applicant are not consistent with the development approved by extant planning permission P22/S3712/FUL and do not therefore benefit from that permission.
- 4.18 On 9 May 2024 the council refused a part retrospective planning application (P24/S0941/FUL) for the change of part of the current enforcement site only to use as a residential caravan site for 3 gypsy families, including the stationing of 6 caravans of which no more than 3 are to be static caravans/mobile homes, together with the proposed laying of additional hardstanding.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- DES8 - Promoting Sustainable Design
- ENV1 - Landscape and Countryside
- ENV2 - Priority Habitats and Species
- ENV3 - Biodiversity
- ENV11 - Contamination
- ENV12 - Pollution
- EP3 - Waste Collection and Recycling
- EP4 - Flood Risk
- H1 - Delivering New Homes
- H14 - Provision for Gypsies, Travellers and Travelling Showpeople
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- TRANS5 - Consideration of Development Proposals

Emerging Joint Local Plan 2041

The Council is preparing a Joint Local Plan covering South Oxfordshire and Vale of White Horse, which when adopted will replace the existing local plan. Currently at the Regulation 18 stage, the Joint Local Plan Preferred Options January 2024 has limited weight when making planning decisions. The starting point for decision taking will remain the policies in the current adopted plan.

- 5.2 **Towersey Neighbourhood Plan** – the neighbourhood plan was adopted on 14 December 2023. The relevant policies are:
 TOW1 – Village boundaries
 TOW4 – Design
 TOW7 - Biodiversity
- 5.3 **Supplementary Planning Guidance/Documents**
 South Oxfordshire and Vale of White Horse Joint Design Guide 2022

 South Oxfordshire Landscape Character Assessment (November 2017)
- 5.4 **National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**
- 5.5 **Planning Policy for Traveller Sites (PPTS)**
- 5.6 **Other Relevant Legislation**
 Human Rights Act 1998
 The provisions of the Human Rights Act 1998 have been considered in the processing of the application and the preparation of this report.

 Equality Act 2010
 In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010. The applicant and his family claim to be of Romany Gypsy origin. The assessment of the current application has been based on an impartial assessment of relevant planning law, policy and guidance, with due consideration also given to the personal circumstance of the applicant including the best interests of any children.
- 6.0 **PLANNING CONSIDERATIONS**
- 6.1 The relevant planning considerations are the following:
- Spatial Strategy (Sustainability);
 - Provision of Gypsy Traveller Sites;
 - Gypsy Traveller Status & Personal Circumstances;
 - Countryside and Landscape Impacts;
 - Good Design and Respect for Local Distinctiveness;
 - Highway Safety and Convenience;
 - Amenity Impacts;
 - Contamination;
 - Biodiversity;
 - Drainage; and
 - Deliberate Unauthorised Development.
- 6.2 **Spatial Strategy (Sustainability)**
 The presumption in favour of sustainable development lies at the very heart of government guidance contained in the NPPF. Paragraph 8 identifies three overarching and interdependent objectives that need to be pursued in a mutually supportive way in order to achieve sustainability – these are economic, social and environmental objectives. Paragraph 86 of the NPPF requires local planning authorities to define a network of town centres and settlements in which new development for mixed purposes (housing, commercial, leisure and other uses) can be encouraged to grow in order to build a strong and sustainable economy.
- 6.3 Paragraphs 13 of the PPTS emphasises the importance of ensuring that traveller sites are sustainable economically, socially and environmentally; and paragraph 25 states that local planning authorities should “*very strictly limit new traveller site development*”

in open countryside that is away from existing settlements or outside areas allocated in the development plan”.

- 6.4 The thrust of this government guidance is carried forward in policy STRAT1 of the local plan, which seeks to focus new development on existing towns and villages; and protect and enhance the countryside by ensuring that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment. Policy DES8 seeks to promote sustainability by ensuring that all new developments seek to minimise the carbon and energy impacts of their design and improve resilience to the effects of climate change. Policy TRANS5 requires proposals for all types of development to provided, among other things, safe and convenient routes for cyclists and pedestrians, including links to off-site walking and pedestrian links.
- 6.5 Policy TOW1 of the neighbourhood plan provides that 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.
- 6.6 In the circumstances of the present case the enforcement site is situated outside the built-up limits of the nearby small village of Towersey and is therefore in the countryside. The site is physically separate and remote from the settlement and is therefore in an isolated location within the meaning of paragraph 83 of the NPPF. The unauthorised development does not benefit from any exception under either the NPPF or development plan that would justify its provision in this isolated and unsustainable location in the countryside.
- 6.7 The enforcement site is situated approximately 200m north of the built-up limits of Towersey. The village provides no services other than a public house approximately 800m away and a bus stop approximately 500 metres away, which provides a limited bus services to Thame on Tuesdays and Thursdays only and on a trial basis only. The nearest railway station is at Thame Parkway approximately 8km away. The nearest food store is approximately 2.6 km away in Thame. The nearest primary school, secondary school, nursery, medical centres and dental surgery are also in Thame.
- 6.8 The travel distances to all of the abovementioned facilities would appear to exceed both the desirable and acceptable walking distances outlined in the established advice for walking 'Providing for Journeys on Foot' published by the Chartered Institute of Highway and Transport; they would also appear to either exceed or sit just within the maximum recommended limits of the above guidance.
- 6.9 Windmill Road (immediately adjacent to the enforcement site) and other roads on the route to Thame are unlit and have no separate footpath and are in places subject to national speed limit (60mph). These factors combine to discourage both walking and cycling to and from the site and make it unsafe to do so. The site does not therefore have safe and convenient routes for cyclists and pedestrians, including links to off-site walking and pedestrian links.
- 6.10 I acknowledge that the nomadic lifestyle of gypsies and travellers whilst engaged in travelling, involves a higher use of private vehicle and reduced opportunities for using public transport. In the context of the application site, however, where the owners are more settled in order to avail themselves of local services and facilities, the same does not apply. Indeed, the PPTS does not suggest that sustainability, should not apply to gypsy and traveller sites in the same way as other residential land uses. Rather, it endorses the principles of sustainability when assessing the suitability of gypsy and traveller sites and requires local planning authorities to very strictly limit new traveller

site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan.

- 6.11 In the circumstances of the present case, the site is not closely linked to nearby settlements through sustainable transport modes (as defined in the NPPF) and the residents of the site would be almost completely reliant on the use of private motor vehicle when accessing facilities and services.
- 6.12 The development also fails to achieve a satisfactory balance between the economic, environmental and social objectives necessary to achieve sustainable development.
- 6.13 Economically, the owner has failed to make a case in support of the development other than to suggest that the site will provide a home base from which the applicant and his two grown sons will travel for work.
- 6.14 Environmentally, the development is harmful to the character of the landscape and intrinsic value of the countryside; contrary to principles of good design and respect for local distinctiveness which is a key element of sustainability; contrary to the amenity of the area; results in a net loss of biodiversity; fails to adequately address contamination issue; and fails to mitigate and adapt to climate change by minimising the need to use private motor vehicles to access local services.
- 6.15 Socially, the personal circumstances of the owner and his family, to the extent that the council has been able to ascertain these, do not, in my opinion, outweigh the development's failure to achieve these other economic and environmental objectives.
- 6.16 The develop is therefore contrary to policy STRAT1, DES8 and TRANS5 of the local plan; policy TOW1 of the neighbourhood plan; and government guidance contained in the NPPF and the PPTS aimed at achieving sustainable development.

Provision of Gypsy Traveller Sites

- 6.17 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. In the circumstances of the present case the site is situated in the open countryside and away from the settlement and well exceeds the area, scale and intensity of the extant permission for the conversion of an existing barn and stable buildings to a one bedroom dwelling only.
- 6.18 Paragraph 26 of the PPTS identifies various matters that should be considered when determining planning applications for traveller site, including:
- a) effective use of previously developed (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - 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.
- 6.19 The enforcement site is not brownfield, untidy or derelict land and it has not been landscaped in a way that positively enhances the environment or increases its openness. Given the unresolved contamination issues and the extent to which the land, including its soil profile and vegetation cover, has been degraded by unauthorised earth works and the laying of hardstanding material, it is not possible, in my opinion to impose conditions to address the above landscape concerns with any certainty that this harm can be addressed.

- 6.20 Furthermore, the site has been enclosed by facilitating development comprising close boarded fencing, pillars, CCTV and external lighting in a manner that gives the impression that the occupants are deliberately isolating themselves from the rest of the community.
- 6.21 The suitability of sites, not allocated under the local plan to support gypsy and traveller development, fall to be assessed against the criteria contained in Part 2 of the Policy H14 of the local plan, including among other things: *“(iii) 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; v) the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.”*
- 6.22 In the circumstances of the present case the proposed development does not have safe and satisfactory access to the surrounding principal highway network. The extent to which the land has been cleared of vegetation and the natural levels of the land altered by unauthorised facilitating earthworks and the laying of hardstanding materials, has resulted in material harm to the character and appearance of the landscape and the visual amenity of the surrounding areas. The unauthorised earthworks have also resulted in a degradation of the site to the extent that it is doubtful that the altered site could support any meaningful landscape works that might mitigate this harm.
- 6.23 Paragraph 27 of the PPTS, states that the lack of a 5-year land supply of gypsy and traveller sites is a significant material consideration weighing in favour of the grant of a temporary planning permission. In the circumstance of the present case it is acknowledged that the local plan currently has a zero supply of deliverable sites. In my opinion, however, the lack of a 5-year supply of sites is 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 fail to adequately address contamination risks;
 - the failure to adequately address surface and foul water drainage impacts; and
 - the deliberate unauthorised nature of the development already undertaken.
- 6.24 The proposed development is therefore contrary to policy H14 of the local plan and government guidance contained in the PPTS relating to the appropriate location and development of gypsy and traveller site.

Gypsy Traveller Status and Personal Circumstance

- 6.25 On numerous occasions during the course of the council’s enforcement investigation the owner repeatedly denied that he and his family were gypsy travellers. An admission to the contrary was first offered to the council by his previous planning agent, though no information was ever submitted in support of this claim.
- 6.26 Again, no information was submitted with planning application P24/S0941/FUL to support the owner’s claim to gypsy traveller status, though the applicant’s agent was invited to do so.
- 6.27 The above application also provided only limited information regarding the personal circumstances of the proposed occupiers of the site. According to the information submitted with the application, the site is proposed to be occupied by the owner, his

two grown sons and their respective families. The applicant claims that this is in order to provide a permanent home base from which they can travel for the purpose of making their livings.

- 6.28 Through the council's enforcement investigation, the council has established that the owner's extended family is comprised of 12 persons, including 4 x children under the age of five years and 1 x teenage minor. One of the children is alleged to have a medical condition requiring constant medical supervision. However, the owner has not divulged any information regarding any specific needs of the children, requiring access any local medical, educational or other facilities to which the council can attach any weight when considering the best interests of the children.

Countryside and Landscape Impacts

- 6.29 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The thrust of this guidance is carried forward in policy ENV1 of the local plan, which states that the districts landscape, countryside and rural areas will be protected against harmful development. Policy H14 of the local plan states, among other things, that proposals for gypsy and traveller sites: *"will not have an unacceptable impact on the character and appearance of the landscape..."* Paragraphs 25 of the PPTS states that local planning authorities should *"very strictly limit new traveller site development in open countryside."* Paragraph 26 states, among other things, that when considering applications, local planning authorities should attach weight to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
- 6.30 The Site is also situated in the 'undulating open vale' of the 'Clay Vale' Landscape Character Area as identified in the South Oxfordshire Landscape Character Assessment (SOLCA). This landscape is described as:
- Low-lying, undulating or gently rolling land form.
 - Large-scale farmland, mostly under intensive arable cultivation.
 - Typically large fields, with rectilinear pattern of field boundaries.
 - Weak structure of tightly clipped or gappy hedgerows, with few hedgerow trees.
 - Open, denuded and exposed character, with high intervisibility.
 - Distinctive elevated and expansive character on higher ground, with dominant sky and long views.
 - Predominantly rural character but some localised intrusion of main roads (including M40/A40), overhead power lines and built development.
- 6.31 The recommended strategy for the management of this landscape includes, among other things:
- Strengthening the hedgerow network with hedgerow trees such as oak and ash.
 - Minimising the visual impact of intrusive land uses at the fringes of towns, villages and farms with the judicious planting of tree and shrub species characteristic of the area.
 - Maintaining the nucleated pattern of settlements, and promote the use of building materials to maintain vernacular style and a scale of development and that are appropriate to the Clay Vale.
 - Maintaining local distinctiveness by controlling the quality of built development taking into account its scale, setting and use of local building materials.
 - Protect the sparsely settled character of the landscape and the integrity and vernacular character of the estate villages.
- 6.32 The unauthorised development, in my assessment, works contrary to the above policies and landscape management strategies. In this regard the facilitating

development has resulted in the widespread clearance of existing vegetation, including grassland, scrub and hedgerows. Unauthorised earthworks and the laying of areas of hardstanding materials, have resulted in a significant alteration to the natural levels of the land as it falls away from the highway and towards the rear boundary. The unauthorised earthworks have also degraded the land, diminishing its ability to support landscaping. The caravans themselves are clearly of a non-vernacular character and together with the related vehicles and residential paraphernalia are contrary to the rural character of the site and its surroundings. The development has had an urbanising impact, which sits uncomfortably in the landscape and is contrary to the rural character of the countryside and contrary to the landscape setting of the village.

- 6.33 The unauthorised development is therefore contrary to policy ENV1 of the local plan; and government guidance contained in the NPPF and PPTS aimed at protecting the intrinsic value of the countryside and the landscape from adverse development.

Good Design and Respect for Local Distinctiveness

- 6.34 The NPPF recognises good design as a key element in achieving sustainable development. Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children. Policy DES1 of the local plan states that all new developments must be of a high-quality design that uses land efficiently while respecting the existing landscape character. Policy DES2 requires all new development to be designed to reflect the positive features that make up the character of the local area and both physically and visually enhance and complement the surroundings. Policy DES5 requires proposals for new development to demonstrate that the size, location and character of gardens and outdoor amenity spaces have been considered as an integral part of the design and not as an afterthought and not compromised by parking areas. Policy H14 states that new proposals for gypsy and traveller sites should be sensitivity designed to mitigate visual impacts on their surroundings. Policy TOW4 of the neighbourhood plan similarly states that development proposals should sustain and where practicable enhance the character of the Parish, appropriate to their scale, nature and location.
- 6.35 The unauthorised development is of a character and appearance that sits uncomfortably in an otherwise open and tranquil rural setting. The multiple caravans, by their very nature, do not respect the local distinctiveness of the area, being of a standardised, modern, utilitarian and non-vernacular design. This development does not physically or visually enhance or complement its surroundings.
- 6.36 The facilitating development, include close boarded fencing, ornamental entrance gates and pillars, and externally lighting and CCTV installations are also distinctly urban in their character and appears and are contrary to the distinctiveness of surrounding development.
- 6.37 The unauthorised development makes no provision for a suitable outdoor amenity space containing adequate landscaping or play areas for children separate and distinct from parking and manoeuvring areas. The unauthorised earthworks and laying of hardstanding areas already undertaken by the owner have diminished the ability of the site to support any meaning landscaping. As it is the owner's claim that the existing hardstanding has been laid in order to encapsulate contamination and given the extent to which contaminant may have been spread over the wider site by the unauthorised earthworks undertaken by the applicant, the ability to provide a suitably landscaped play area for children is limited.
- 6.38 The development is therefore contrary to policies DES1, DES2, DES5 and H14 of the local plan; policy TOW4 of the neighbourhood plan; and government guidance

contained in the NPPF and PPTS aimed at achieving good design and respect for local distinctiveness.

Highway Safety and Convenience

- 6.39 Oxfordshire County Council (OCC), as local highway authority (see paragraph 3.4 above), expresses concern at the unsustainable location of the development, which has already been discussed in more detail in paragraph 6.6 – 6.11 above.
- 6.40 OCC otherwise raised no objection to the development, subject to conditions regarding the vision splay dimensions, the retention of parking and manoeuvring areas and the provision of bicycle parking facilities.
- 6.41 The unauthorised development is therefore contrary to policy TRANS5 of the local plan only in so far as it fails to *“provide safe and convenient routes for cyclists and pedestrians, both within the development, and including links to rights of way and other off-site walk and cycle routes...”*.

Amenity Impacts

- 6.42 Policy DES6 of the local plan seeks to protect the amenity of neighbouring uses, in relation to such factors as: loss of privacy, visual intrusion, noise and vibration, external lighting and other polluting emissions. Policy ENV12 similarly seeks to protect the natural environment and the amenity of neighbouring users from the impacts of such things a noise and vibration and artificial lights, by ensuring that development proposals are in sustainable locations and are appropriately designed.
- 6.43 The nearest neighbouring residential property is situated approximately 200m away from the enforcement site. At this distance the development will not have an adverse impact on the amenity of the neighbours in relation to privacy, visual intrusion, noise or vibration. Common to many of the objections received, however, was concern regarding the harmful impacts that external lighting is having on the amenity of the area as a result of light spillage from outdoor lighting. The natural environment and the dark sky character of the area are also likely to be adversely affected by this outdoor lighting.
- 6.44 The unauthorised development in its provision of outdoor lighting is considered contrary to the amenity of the area, the natural environment and the dark sky setting. This is contrary to policies DES6 and ENV12 of the local plan.

Contamination

- 6.45 Policy ENV11 of the local plan seeks to protect the occupiers of new development from the potential of harm to health from contamination resulting from previous land uses.
- 6.46 Contrary to the owner’s understanding, the impacts of contamination from the former agricultural use of the site have not been resolved in connection with extant planning permission P22/S3712/FUL for the barn/stable conversion.
- 6.47 Although the remediation report approved by the council in connection with planning permission P22/S3712/FUL identified areas of contamination over the wider site, the recommendations sought only to address the remediation of land within the approved red edged area covered by the above permission.
- 6.48 There was only one location within the area approved by planning permission P22/S3712/FUL where microbial contamination was identified. The report therefore recommended the remediation of that area alone, by the excavation of the Made Ground and its replacement with clean certified fill to a depth of 600mm around a 2 metre radius of this area. Upon completion, these works were then to be validated by a remediation verification report prepared by a qualified Environmental Consultant.

- 6.49 The unauthorised earthworks recently undertaken by the owner to 1) raise the level of the land, using fill obtained from other areas of the wider site, which were themselves subject to contamination; and 2) lay hardstanding material over the top of this in an apparent effort to encapsulate the contaminants, was not agreed to by the council. These works were not approved by planning permission P22/S3712/FUL and are therefore unauthorised.
- 6.50 The remediation of the wider site, corresponding to the area covered by the current unauthorised use was not addressed in the conditions of planning permission P22/S371/FUL or the recommendation of the remediation report approved by council in connection with the above planning permission.
- 6.51 Furthermore, the extent to which the owner has now altered the wider site by unauthorised earthworks that have redistributed soil over entire site, now renders previous investigation into site contamination potentially redundant.
- 6.52 The potential harm to the health of the occupants of the unauthorised development from existing contaminants on the site has not been adequately addressed by the owner. This is contrary to policy ENV11 of the local plan.

Biodiversity

- 6.53 Policy ENV3 of the local plan seeks to protect biodiversity by ensuring that new development achieves a net gain in biodiversity where possible. As a minimum there should be no net loss of biodiversity. All proposals should be supported by evidence to demonstrate a biodiversity net gain using a recognised biodiversity accounting metric. Policy TOW7 of the neighbourhood plan similarly seeks to maintaining and, where practicable, improving biodiversity assets including, trees, hedgerows and land of biodiversity value, in the design of their layouts and landscaping schemes. These policies are consistent with government guidance contained in paragraphs 185-188 of the NPPF. However, in the circumstances of the present case, these policies are not entirely consistent with the mandatory requirement for Biodiversity Net Gain (BNG) introduced by Schedule 7A of the Town and Country Planning Act 1990, which does not apply to retrospective developments. These policies remain relevant to the circumstances of the present case, however, to the extent that they seek to prevent a net loss of biodiversity.
- 6.54 The unauthorised earthworks works have resulted in the removal of almost all existing vegetation from the wider site, including hedge rows and grassland habitat (i.e. a net loss of biodiversity). The unauthorised hardstanding material that has been laid along the access driveway, sits above the surface of the adjacent paddocks by approximately 0.3 – 0.4 metres. This has obstructed the natural drainage of the land rendering the adjoining paddocks waterlogged and degraded to an extent that will likely inhibit the reestablishment of the grassland habitats in the adjoining paddocks. It is unlikely that this net loss can be addressed by any scheme for onsite compensation given the degraded condition of most of the land by the unauthorised works undertaken.
- 6.55 The net loss of biodiversity resulting from the unauthorised works is contrary to policy ENV3 of the local plan. Some harm to protected species is also likely to have occurred and, in the absence of an ecological survey, it is not known what mitigation or compensation would be required to achieve compliance with Policy ENV2.

Drainage

- 6.56 Policy EP4 of the local plan requires all developments to provide a drainage strategy for a sustainable drainage system that ensures that runoff rates are attenuated to greenfield run-off rates. Sustainable drainage systems should also seek to enhance water quality and biodiversity. Policy H14 requires that gypsy and traveller sites should

have access to safe sewage treatment and there should be no barriers to development in terms of flooding or poor drainage.

- 6.57 In the circumstances of the current case, the council's drainage engineer has advised that the underlying geology for the area is 'gault mudstone', which is recognised as being impermeable in nature. As there does not appear to be any water course or public sewers in the site's proximity, drainage for the site would be reliant on infiltration methods.
- 6.58 Percolation testing of the site is therefore required in support of any proposal for surface or foul water drainage reliant on infiltration; or failing this the demonstration of an alternative method of drainage. Failure to demonstrate an appropriate and feasible method of drainage is contrary to policies EP4 and H14 of the local plan.

Deliberate Unauthorised Development

- 6.59 In a letter dated 21 August 2015 the Chief Planning Officer in England issued a statement setting out changes to national planning policy. The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time-consuming enforcement action. For these reasons, the Chief Planner's letter introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals.
- 6.60 In the circumstances of the present case the owner has undertaken development and a materially change the use of the site in defiance of a High Court injunction prohibiting the stationing of caravans on the site without the written permission of the council and the undertaking development without planning permission. This deliberate unauthorised development adds weight to the reasons underpinning the recommendation to enforce against the unauthorised development.

7.0 ENFORCEMENT ISSUES

- 7.1 Paragraph 59 of the NPPF indicates that "*...Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and the local planning authority should act proportionately in responding to suspected breaches of planning control*".
- 7.2 In the circumstances of the present case, the unauthorised development is contrary to policies relating to sustainability, the suitable location and development of gypsy traveller sites, the protection of the intrinsic value of the countryside and the character of the landscape, principles of good design and respect for local distinctiveness, loss of biodiversity, the risk of existing contamination on new development, the provision of adequate surface and foul water drainage and the deliberate unauthorised nature of the development. This development could not be made acceptable by attaching conditions to any planning permission. Therefore enforcement action is considered necessary, justified and proportionate to the breach.
- 7.3 Article 1 of the First Protocol of the Human Rights Act provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions; and Article 8 provides a right to respect for "private and family life". These rights are not unqualified however, and a fair balance must be struck between the interests of the owner/occupiers of the site and the general interest of society as a whole.
- 7.4 Any enforcement action is likely to require the unauthorised use of the site to cease; and the removal of the existing caravans together with the related facilitating

development comprising areas of hardstanding; close-boarded fences, pillars and gates; and poles mounted with external lighting and closed-circuit television surveillance equipment. It will also require the restoration of the land to its former condition by the grading of the land to levels and a fall commensurate with adjoining lands, the spreading of clean topsoil and the sowing of an appropriate meadow seed mix to all areas disturbed by the above works and the reinstatement of agricultural post and rail fencing to front, side and rear boundaries. The owner/occupier will not be dispossessed of their caravans or other chattels a result of this action. There will be some financial loss associated with the demolition, dismantling, digging up, removal and disposal (as the case may be) of unauthorised facilitating operations. However, some of the resulting materials may have some residual value that will offset some of this expense. There will also be some cost and disruption involved in seeking and securing an alternative mobile home site or other alternative accommodation. However, these costs are, in my opinion, proportionate to the planning harm resulting from the unauthorised development.

7.5 Provided that sufficient time is given for compliance with the terms of the notice (say 9 months) the above enforcement action would be consistent with the owner's human rights.

8.0 **CONCLUSION**

8.1 The unauthorised development has been undertaken contrary to policies relating to sustainability, the suitable location and development of gypsy traveller sites, the protection of the intrinsic value of the countryside and the character of the landscape, principles of good design and respect for local distinctiveness, loss of biodiversity, the risk of existing contamination on new development, the provision of adequate surface and foul water drainage and the deliberate unauthorised nature of the development. These policy objections are not outweighed in the planning balance by the lack of a 5-year supply of gypsy traveller sites in the local plan or the personal circumstances of the owner and his family, including the best interests of children, to the extent that these have been disclosed by the owner.

9.0 **RECOMMENDATION**

9.1 That the council issue and serve an enforcement notice to require the unauthorised material change of use for the stationing of caravans to cease; the related facilitating operations removed; and the land reinstated to its former condition, for the following reasons:

1. It appears to the council that the breach of planning control has occurred within the last 10 years.
2. The unauthorised development is situated in an unsustainable location in the open countryside physically separate and remote from the nearest settlement and without safe and sustainable access to local services and facilities. The development is highly reliant on the use of private motor vehicle to access local services and facilities and does not benefit from any exceptions under either the National Planning Policy Framework or develop plan that would justify its provision in such an isolated and unsustainable location in the countryside. 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.
3. The lack of a 5-year supply of gypsy/traveller sites under the South Oxfordshire Local Plan 2035 and the personal circumstances of the applicant and his family are outweighed by other 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 failure to adequately address contamination risks; the lack of information regarding sustainable surface and foul water drainage; and the deliberate unauthorised nature of the development already undertaken. 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 achieving the suitable and sustainable location of gypsy/traveller sites; and the suitable design and assimilation of gypsy and traveller sites into their surroundings.

4. The unauthorised material change of use of the land and related operations have 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.
5. The unauthorised development is of a character and appearance that sits uncomfortably in an otherwise open and tranquil rural setting. The multiple caravans, by their very nature, do not respect the local distinctiveness of the area, being of a standardised, modern, utilitarian and non-vernacular design. 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 TOW 16 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.
6. The outdoor lighting installed in connection with the unauthorised material change of use 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
7. The presence of existing contaminants on the land represents a potential risk to the health of the occupants of the unauthorised development. This is contrary to policy ENV11 of the South Oxfordshire Local Plan 2035.
8. The unauthorised development has result 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.
9. 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.

10. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

9.3 Detailed wording of the notices to be agreed with the council's Legal and Democratic Service.

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Recommendation made by: Rob Cramp 	Date: 21 May 2024
Agreed by: Emma Turner 	Date: 21 May 2024