

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Our Ref: **20/00419/ENF**

9th March 2021

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990 - Appeal against enforcement notice served

Appellant's Name: Mr James Doran

Reason for Enforcement notice: Without planning permission the change of use of the land to use as a caravan site currently accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and trailer, storage of touring caravans and associated domestic paraphernalia.

Location: The Stables, Main Street, Great Bourton, Cropredy, OX17 1QU

Parish(es): Bourton

Appeal Reference: APP/C3105/C/21/3268454

Appeal Start Date: 24th February 2021

I am writing to let you know that an appeal has been made to the Secretary of State for Communities and Local Government in respect of the above site. The appeal is to be decided at a Hearing. I will write to you again to inform you of the date for the Hearing once the arrangements have been made.

The enforcement notice was issued for the following reasons:

It appears to the Council that a material change of use of the Land has taken place within the past 10 years

By virtue of its siting in the open countryside, overall scale and appearance, the development results in an urbanising effect on the open countryside and results in significant harm to the rural character and appearance of the area and would fail to preserve the natural environment at this location. The development is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.

The unauthorised development constitutes sporadic development beyond the built-up limits of any village and, in the absence of an appropriate justification, represents new housing in an unsustainable location contrary to Policies ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

In the absence of sufficient information to the contrary, the Council cannot be satisfied that, by virtue of its siting adjacent to the Birmingham to London railway, the development would not be adversely affected by noise or result in an acceptable living environment for the occupiers of the site. As such, the development does not provide a good standard of amenity for any resident of the mobile home and does not result in sustainable development, contrary to Policy ESD15 of the Cherwell Local Plan 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.

The Council has concerns about flooding risk to the site and without a Flood Risk Assessment is unable to make an assessment of the flood risks arising from the development. The Council cannot be certain that the development and its future users will be safe over the lifetime of the development. The development is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

The Enforcement Notice requires the following steps to be taken:

1. Cease the use of the Land as a caravan site
2. Remove from the Land the mobile home style caravan currently in the approximate location shown in Blue on Plan No.2
3. Remove from the Land the touring caravans in the approximate location shown in Green on Plan No.2
4. Remove from the Land the motor vehicles and trailer currently parked or stored on the Land
5. Remove from the Land all other materials, equipment, and other paraphernalia brought onto the Land in connection with the residential use of the Land and
6. Return the Land to its previous condition before the breach took place

The appellant has appealed against the notice on the following grounds:

Ground (a) - That planning permission should be granted for what is alleged in the notice

Ground (d) - That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice

Ground (f) - The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

Ground (g) - The time given to comply with the notice is too short.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk> or by sending your comments to the case officer at the Planning Inspectorate Kate Parfrey to the email address teame2@planninginspectorate.gov.uk.

Please note due to the current COVID-19 pandemic, the Planning Inspectorate office is currently closed. All representations should be sent to the Planning Inspectorate by email or through the planning portal and not by post.

All representations must be received by 7th April 2021. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference APP/C3105/C/21/3268454.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available on the Councils online planning register at <https://planningregister.cherwell.gov.uk/>. Please use the appeals module search via the advanced search tab.

You can get a copy of one of the Planning Inspectorates a “Guide to taking part in enforcement appeals” booklets free of charge from gov.uk at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Matthew Swinford

Matthew Swinford
Appeal Administrator

