

WEST OXFORDSHIRE DISTRICT COUNCIL

LANDS AREA PLANNING SUB-COMMITTEE

Date: 4th March 2019

Report of Additional Representations



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Item	Application Number	Address
	18/03491/FUL	<u>Orchard Cottage Old London Road</u>
	18/03673/FUL	<u>Land At London Road And Russell Way</u>

Application Number	I8/03491/FUL
Site Address	Orchard Cottage Old London Road Chipping Norton Oxfordshire OX7 5UX
Date	20th February 2019
Officer	Kelly Murray
Officer Recommendations	Approve subject to Legal Agreement
Parish	Churchill Parish Council
Grid Reference	431344 E 224943 N
Committee Date	4th March 2019

Application Details:

Change of use of land for the sitting of mobile home for occupation by Mrs Jane Lambert.
(Retrospective)

Applicant Details:

Mrs Jane Lambert
Orchard Cottage
Old London Road
Chipping Norton
OX7 5UX

One letter of support received from the agent stating:

I am instructed by Mrs Lambert to submit the following representations concerning her **exceptional circumstances** these being **substantial material considerations** in support of her above application for a personal planning permission to continue her **34 continuous years** residential occupation of the above mobile home which **has been on site for 46 years**.

Given the time scale and detail of the exceptional circumstances, I ask that you report the material considerations set out in this letter **in full** to your Members as part of the above application. I have numbered the paragraphs for ease of reference.

1. It is my understanding that planning permission for a residential mobile home was originally given to Mrs. Lambert's mother in the early 1970's (about 1972) but details of this permission have become lost.
2. It is also my understanding that planning application 18/03491/FUL has been submitted following a suggestion made by the planning inspector at the hearing when he determined that the 2017 Enforcement Notices were nullities and of no effect.
3. **Whatever the various planning events concerning this mobile home, a consistent fact running through the history of the site is that since 1973 there has remained on site an occupied residential mobile home.**

4. It was occupied by Mrs. Lambert's mother until 1982.
5. Mr. William F. Green, an employee of the Upper Heyford US Air Force base then occupied it as a tenant from its vacation by Mrs. Lambert's mother in 1982 until 1985.
6. On vacation by Mr. Green Mrs. Jane Lambert's occupation of the property as her home with her children commenced and has been continuous [by Mrs. Lambert] since then to date. It was her children's family home until they married in 1998 and 2003.
7. The mobile home has living and sleeping accommodation (3 bedrooms), a working kitchen, a separate utility room, toilet washing and bathroom facilities together with a water supply, septic tank, drainage, electricity and a telephone. A utility room and an additional bedroom was added to the original mobile home in 1974. Also, a brick built garage and storage shed were built.
8. The property has always had a well cultivated garden and a paddock.
9. All these facilities have been seen on several inspections of the property made by the Council and can be seen as at today's date.
10. In 1997 – after more than 22 years of continuous residential occupation (some with specific planning permission) - the Council served Enforcement Notices #358 requiring only that the occupation by **Mrs. Lambert personally** of what had been her home for many years should cease and #359 requiring cessation of the residential use and the removal of the mobile home and ancillary structures.
- 11. Throughout, the mobile home was registered by the Council for council tax purposes and Mrs. Lambert paid this tax. She also paid the relevant utilities and services bills.**
12. Although the Council proposed prosecuting Mrs. Lambert (for non compliance with enforcement Notice #358) in 2004 and in then in 2005 to seek an injunction requiring compliance with the said Enforcement Notice no formal action was actually taken by the Council. Mrs. Lambert was at that time working as a Health Visitor in Chipping Norton. She also had a contract with the Primary Care Trust as a nurse at Chipping Norton Community Hospital and she was the health lead in a project at the local Sure Start Children's Centre of which she was a trustee.
13. In September 2006 and then continuing until to September 2012 Mrs. Lambert became employed by Radley College in Abingdon. This employment included temporary staff accommodation tied to the employment the benefit of which Mrs. Lambert availed herself.
14. Notwithstanding so doing, her mobile home continued to be registered for council tax purposes and because of the restricted nature of the Abingdon accommodation Mrs. Lambert **did not abandon** her residential use of her mobile home which had been her de facto home since 1985.
15. The evidence of non abandonment includes not having left it unoccupied for considerable periods, not having allowed it to deteriorate and not having caused or allowed the introduction of a new use. All proper evidence of non abandonment.

16. The facts are that between 2006 and 2012 she continued her use of the mobile home on an actual – not merely notional – basis. She physically occupied it herself for holidays or extended stays when the exigencies of her Abingdon work allowed. Additionally she was ill in 2007 and stayed for a period in the mobile home and again in 2009 when she was there for 3 months having fractured her tibial plateau. Also in 2007 and 2008 she lived there whilst undertaking “bank” work in Chipping Norton hospital.
17. In practice her occupation between 2006 and 2012 in particular was often not merely on a sole basis but also with members of her family. As you know, there is evidence of her occupation during the whole of this period of time **on the Council’s record** of the 2017 planning appeals, including letters of support from –

Teresa Lambert (daughter in law)
Annette Morris (a friend)
Paul and Laura Parker (direct neighbours)
Kevin Clarke (her gardener)

and also photographs of family parties in the mobile home at that time. Extra copies of all these can be provided if this will assist and/or if required.

18. Furthermore Mrs. Lambert’s grandchildren (who live in Chipping Norton) stayed with her overnight from time to time in the mobile home between 2006 and 2012.
19. Throughout the 2006 to 2012 years, not only did the mobile home continue to remain registered with the Council for council tax purposes but also it was fully furnished and Mrs. Lambert always kept clothes and personal possessions there. My instructions are that the Council saw these more than once when inspecting the property.
20. In September 2012 at the end of her Abingdon contract and given that the Council had never implemented formal action following the 15 year old Enforcement Notice #359 (removal of the caravan) Mrs. Lambert returned to the occupation of her mobile home and has remained in occupation to this date again without interruption. The Council has always been aware of this and that she continued to pay her due council tax and utilities bills.
21. Eventually, **still not having taken action following the now 20 year old Enforcement Notices**, in 2017 the Council then felt it necessary to serve 3 new Enforcement Notices. In 2018 all of these were dismissed on appeal as being nullities and of no effect.
22. **The Council is on record that previously it under enforced as to requiring the removal of the mobile home.**

It is my submission on behalf of my client that the above circumstances are sufficiently exceptional, that planning permission should be granted on a personal basis for Mrs. Lambert’s 34 year continuous occupancy of her mobile home to date be allowed to continue.

Application Number	I8/03673/FUL
Site Address	Land At London Road And Russell Way Chipping Norton Oxfordshire
Date	20th February 2019
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	432086 E 227478 N
Committee Date	4th March 2019

Application Details:

Development of 80 extra care apartments comprising 40 no. 1 bedroom apartments and 40 no. 2 bedroom apartments, communal facilities, gardens and parking.

Applicant Details:

Mr Jason Protheroe
Tricorn House
51-53 Hagley Road
Birmingham
B16 8TP

I Additional Representations

I.1 Chipping Norton Town Council

The Town Councillors noted that there were 14 objections to this planning application on West Oxfordshire District Council's website so far.

The Town Council strongly object to this planning application and recommend that the developer goes back to the original plan as it was a lot less intrusive. The proposed building is far too tall and too close to the road.

I.2 Third Party Representations

Two further responses have been received and are summarised as follows:

- Having lived on the Parker Knoll site since July 2006, it has been a constant battle with noise of builders, inconsiderate parking, littering, bad language, and general nuisance to the residents, as they built the hospital, the flats, the houses, the retail park, and the retirement houses.
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- Why do we need yet more retirement homes, surely we are trying to get the young people on the housing ladder, who in turn will boost the local economy and hopefully

increase the workforce in Chipping Norton, as opposed to turning the town into a giant retirement home which is not affordable except for the elite.

- Additional traffic along an already busy London Rd.
- With access to the Health Centre, Marks and Spencer and the local Primary School all within the space of 50 yards on a busy main road both into and through the already congested town centre. Is it realistic to add another 50 odd homes whose access/egress will only create greater traffic onto what is already an extremely busy junction
- Design for a three storey block is both ugly and incongruous to the surrounding buildings, which are the lovely Cotswold Stone.
- Its height will negatively impact on the surrounding environment.
- We already have an agreed application for a development along Banbury Rd past the Garden Centre, while there is the proposal for a further 1200 homes by Tank Farm
- Will there be on going investment in infrastructure in respect of the Health Centre