

## **Appeal decisions**

21/03193/FUL – 2 Springfield Park Witney

*Construction of detached dwelling and formation of new access onto Springfield Park.*

(Delegated decision)

### **DISMISSED**

The Inspector agreed that the proposed development would harm the character and appearance of the appeal site and surrounding area and agreed that the development would result in conditions that would prejudice highway safety and the convenience of existing residents.

21/03849/PN56 – Fir Tree Farm Barnard Gate Witney

*Conversion of an agricultural barn to a dwelling house.*

(Delegated decision)

### **DISMISSED**

The Inspector agreed that the existing building is not suitable for conversion and that the building is not capable of functioning as a dwelling without building work which would go beyond what is 'reasonably necessary' to facilitate a conversion.

20/02507/FUL – Chillbrook Farm Barnard Gate Witney

*Creation of new vehicular access (utilising existing gated entrance into paddock) and pedestrian access in the form of a footbridge, both to serve new dwelling currently under construction.*

(Delegated decision)

### **DISMISSED**

The Inspector changed the description of development to 'creation of new vehicular access (utilising existing gated entrance into paddock) to serve new dwelling currently under construction'.

The Inspector found that it is likely that the proposed access to serve the new dwelling under construction could be sited in an area at lower risk from flooding. As such, the proposed development would not be suitably located having regard to the sequential, risk-based approach to flood risk set.

However, the Inspector did not agree with the Council with regard to matters of character and appearance noting that 'the proposed development would protect and conserve the character and appearance of site and the surrounding rural landscape'.

21/01187/S73– Little Willow Oxford Road Eynsham

*Variation of condition 3 of planning permission 10/0813/P/FP to allow no more than 3 caravans (of which no more than two shall be a static caravan or mobile home) shall be stationed on the site at any time.*

(Delegated decision)

### **DISMISSED**

In the Finney court judgement, the Courts established that an application under s.73 may not be used to obtain a permission that would require a variation to the terms of the “operative” part of the planning permission, that is, the description of the development for which the original permission was granted.

The appeal scheme requested that the number of caravans/mobile homes to be allowed on the site is increased to 6no. The original development is still a consideration and the condition requested for removal/variation would affect the “operative” part of the permission, as it would require a change to the description, which refers to 3no. caravans.

The Inspector considered that the removal/variation of condition no.1 would cause conflict with the original description of the development. Consequently, the creation of a new planning permission removing condition no.1 imposed on the original permission and replacing it with the suggested variation is beyond the powers under s.73 and cannot be made.

Costs application by the appellant also dismissed.

18/00118/PENF - 17 Ashcombe Close Witney

*The breach of planning control as alleged in the notice is without planning permission the erection of an unauthorised wall and gated enclosure.*

*The requirements of the notice are (1) permanently remove the whole structure, which includes the front and side walls, pillars, gate and metal railings, (2) permanently remove from the land all building materials deriving from the removal of the unauthorised wall and gated enclosure.*

### **DECISION**

**The appeal is dismissed and the enforcement notice is upheld** – The Inspector agreed that the development did not fall within the criteria of the GPDO and as such, the notice was upheld.