

Date: 10th October 2022
My ref: 21/00085/PENF
Ask for: Appeals Team
Telephone:
E-mail: Planning.Appeals@westoxon.gov.uk

Dear Sir/Madam

Appeal against Enforcement Notice 2022/20 - Material Change of Use

Appeal Reference: APP/D3125/C/22/3306729

Site Address: Diddly Squat Farm Shop Chipping Norton Road Chadlington

Alleged Breach: Without planning permission a material change of use of :-

- (i) the part of the Land shown edged blue on the attached plan (formerly in agricultural use); and**
- (ii) the part of the Land shown edged green on the attached plan (whose permitted use is as a farm shop with associated parking).**

to a mixed agricultural and leisure attraction use, comprising café, restaurant, gift/farm shop, parking and lavatory facilities.

Appellant's Name: Jeremy Clarkson

LPA Appeal Ref: 22/00035/APPEAL

Appeal Start Date: 26th September 2022

An appeal has been made to the Secretary of State against the enforcement notice issued by the West Oxfordshire District Council on 11th August 2022. The notice will not take effect until the appeal has been determined and only if the decision is to dismiss the appeal.

This appeal will be decided by an Inspector appointed by the Secretary of State at an Informal hearing and I will inform you of the hearing details as soon as they are available.

The reasons for issuing the notice:-

It appears to the Council that the breach of planning control has occurred within the last ten years.

The unlawful use of Diddly Squat Farm by reason of its nature, scale and siting is unsustainable and incompatible with its open countryside location within the Cotswolds Area of Outstanding Natural Beauty. The impacts of the use with its concomitant provision of parking, lavatory facilities, traffic management measures and transportation of visitors across the site are visually intrusive and harmful to the rural character, scenic beauty and tranquillity of the Cotswold AONB and the Wychwood Project Area, in conflict with Local Plan Policies OS2, EH1, EH2 and BCI of the West Oxfordshire Local Plan 2031, advice in the NPPF and policies of the Cotswolds AONB Management Plan.

The enforcement notice requires the following steps to be taken:-

Within 6 weeks of the date on which this notice comes into effect:-

- (1) Cease use of any part of the Land for sale or provision of food or drinks to members of the public for consumption on the Land;**
- (2) Cease use of any part of the Land as a restaurant or café;**
- (3) Cease use of any part of the Land for parking by members of the public except within the area designated for parking on plan PLA_002 REV E approved under application reference 20/01457/FUL;**
- (4) Cease the retail sale or provision of any goods directly to members of the public from the Land other than: (i) sale within the farm shop of farm goods produced on the agricultural holding; (ii) sale within the farm shop of goods produced by farming operations located within a 16 mile radius; and (iii) sale within the farm shop of any other goods the sale or provision of which the Council has expressly consented to in writing;**
- (5) Reinstate the area around Lowland Barn to a condition similar to that of the agricultural land immediately surrounding it, by: (i) removing all hardcore and other surfacing materials including gravel and stone chippings; (ii) removing all other landscaping materials including wooden sleepers, wooden plank edging and wood chippings; (iii) removing all plants and planting containers and (iv) seeding the soil with grass or an arable crop.**
- (6) Remove from Diddly Squat Farm:-**
 - (i) all units and vehicles, whether mobile or otherwise, whose function (whether or not in current working order) is to prepare or provide food or drinks to members of the public for consumption on or off the Land;**
 - (ii) all mobile lavatory units (including any fixed unit originally brought onto the Land as a mobile unit);**
 - (iii) all tables, chairs, parasols and picnic tables, including those within the lambing shed (with the exception of those reasonably necessary to be retained for members of staff in connection with agricultural use and the use of the farm shop).**
 - (iv) all landscaping material and plants referred to in paragraph (5).**

The appeal has been made on the following grounds:-

- (a) That planning permission should be granted for what is alleged in the notice
- (b) That the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact
- (c) That there has not been a breach of planning control.
- (e) The notice was not properly served on everyone with an interest in the land.
- (f) The steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.
- (g) That the time given to comply with the notice is too short.

These are grounds from the Section 174(2) of the Town and Country Planning Act 1990 (As Amended).

If the appeal under ground (a) is successful this will have the effect of the Secretary of State granting planning permission for the development.

If you wish to make comments, you can do so online at

<https://acp.planninginspectorate.gov.uk> . If you do not have access to the internet, please send **three copies** of your comments to:-

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Email: teame1@planninginspectorate.gov.uk

You should **quote reference APP/D3125/C/22/3306729** and your **representations must be received by 7th November 2022** (which is six weeks after the start date of the appeal). The Planning Inspectorate will not acknowledge representations, they will however ensure that representations received by the deadline are passed on to the Inspector dealing with the appeal, the Council and the appellant and your letter may be read out at the hearing. Please ensure that any comments which you wish to make on this appeal are received by the Planning Inspectorate by the deadline for making comments otherwise your representations will not be seen by the Inspector and they will be returned to you.

Documents relating to the appeal, including a copy of the Enforcement Notice and plans showing the land to which it relates are available for inspection on the online planning register on the Council's website, www.westoxon.gov.uk under reference: 21/03159/FUL.

The Planning Inspectorate has published a Guide to taking part in Enforcement Appeals which is available online: www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal.

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

If you are not the owner of the property you occupy, would you please pass this letter on to your landlord or his or her agent.

Yours sincerely

Appeals Team