

Witney Parish Council

Date: 21st September 2020
Our ref: 20/00023/APPEAL
Please ask for: Chris Wood
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Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78
Notification of Planning Appeal**

Site Address: 4 Birdlip Close Witney Oxfordshire

Description of Development: Certificate of Lawfulness (erection of fencing)

Original Application Number: 19/03518/CLP

Reasons for not granting a certificate: The reason stated by West Oxfordshire District Council as the Local Planning Authority in its decision not to grant a certificate of lawful proposed development in this case was that on 9th January 2020 the proposed development would NOT have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

1 The proposed fencing as shown on Plan 015_100p02 dated December 2019 and received by the Local Planning Authority on 21.12.19, is not considered permitted development under the Town and Country Planning (General Permitted Development)(England) Order 2015 Schedule 2, Part 2, Class A as condition 3 of the reserved matters permission W91/1531 removed permitted development rights for the erection of fences, gates or walls within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which has a frontage onto a road or footpath.

Appellant's name: Mr C Gaden

Appeal Reference: APP/D3125/X/20/3257288

Appeal Start Date: 08.09.2020

I refer to the above details. An appeal has been made to the Secretary of State against the decision of West Oxfordshire District Council to refuse planning permission for the development described.

The appeal will be determined on the basis of **written representations**. The procedure followed is set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

We have forwarded all the representations made to us on the original planning application to the Planning Inspectorate and to the Appellant. These will be considered by the Inspector when determining the appeal, unless they are subsequently withdrawn.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at: <https://acp.planninginspectorate.gov.uk>. You can also do so by contacting the Planning Inspectorate quoting reference number APP/D3125/X/20/3257288:

Via email : teame3@planninginspectorate.gov.uk
In writing (please send 5 copies): Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by the Planning Inspectorate by **20th October 2020**. 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.**

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 wish to follow the appeal you can do so via the Planning Portal (www.planningportal.gov.uk/pcs) by searching under the appeal reference APP/D3125/X/20/3257288. You can also view the appeal documents on the Council's website at www.westoxon.gov.uk/planning.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning 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>.

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

Please note that the planning merits of the proposal are not ordinarily an issue in this type of appeal.

Yours sincerely

Chris Wood

Senior Planning Officer (Appeals)
Planning and Strategic Housing