

Ref No: 18/00097/ENF

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

OXFORD CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Operational Development)

ISSUED BY: OXFORD CITY COUNCIL

Re: 1 Quarry High Street, Oxford, Oxfordshire, OX3 8JT.

1. **THIS NOTICE** is issued by the Council because it appears that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. It considers that it is expedient to issue this notice having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

The land at 1 Quarry High Street, Oxford, Oxfordshire, OX3 8JT ("the Land") shown edged red on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, erection of 6 x 1 bedroom dwellings in a 3-storey terrace ("the Mews Building"), alterations to the existing access and formation of 9 car parking spaces on the Land.

4. REASONS FOR ISSUING THIS NOTICE

(i) It appears to the Council that the above breach of planning control has occurred within the last four years, and

- (ii) The development, as built, has a significantly higher eaves height than as approved and a notably higher total height. This gives the development a bulkier appearance, with no degree of equality to buildings within the site or immediate area, sitting proud of the consistent roofline of the street, clashing with the grain of development of Quarry High Street and the streetscene. The position of the eaves line and depth of the tile hung roof element alongside the height and width of the bays again highlights the increased size and scale of the building from that approved. Due to the increased length, the building now has an awkward relationship to the front boundary wall and has the appearance of being built into the public highway, jarring with the established building lines of development on the street. The increased height and mass of the building does not preserve or enhance the character or appearance of the Headington Quarry conservation area but detracts from the character of the area and instead further attracts attention to the bulky, prominent form of the development. No design rationale has been provided as to why the development needed to be constructed as built, as opposed to the approved scheme under 06/00023/FUL, and as to why it needs to be retained in such a manner. Accordingly, the development as constructed conflicts with Policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 (“the Local Plan”).
- (iii) The footprint of the building is an additional 11.3m² bigger than approved which has further reduced the small triangular green spaces provided at the northern and southern ends of the building, significantly reducing the overall shape and usability of the amenity space for the ground floor flats. Furthermore, the increased height of the building creates further overshadowing of these areas, reducing their usability for private outdoor dining and drying of clothes with reasonable circulation. There is no justification for the further reduction and as such this is in conflict with Policy H16 of the Local Plan.
- (iv) 18 conditions were imposed on planning permission reference number 06/00023/FUL. The conditions imposed were the only way to ensure an acceptable development in planning terms in line with the wording of Paragraph 55 of the National Planning Policy Framework 2021. The unauthorised development, would not be controlled by planning conditions and is unacceptable in planning terms.

The Council does not consider that planning permission should be given as conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Demolish the Mews Building: and associated car parking spaces and
- (ii) Remove all materials and rubble arising from step (i) above from the Land

6. TIME FOR COMPLIANCE

In relation to 5(i) and 5(ii) above:

- (i) 6 months after this notice takes effect, and

(ii) 7 months after this notice takes effect

7. WHEN THE NOTICE TAKES EFFECT

This Notice takes effect on 9th February 2022 unless an appeal is made against it beforehand.

Dated: 5th January 2022

Signed:- 

Adrian Arnold
Head of Planning Services
On behalf of OXFORD CITY COUNCIL
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

ANNEX

YOUR RIGHT OF APPEAL

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at 1 Quarry High Street Oxford Oxfordshire OX3 8JT

This local planning authority, Oxford City Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on (9th February 2022) and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the attached information sheet from The Planning Inspectorate, which tells you how to make an appeal.

Please note that a separate appeal form must be completed for each individual person or organisation.

If you decide to appeal you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days. You must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before (9th February 2022).

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

FEES

If you appeal Ground (a) a fee of (£5,544.00) is payable to Oxford City Council. The deadline for paying the fee will be set by the Planning Inspectorate. Please make your payment either by cheque to:

Oxford City Council
St Aldate's Chambers
109 St Aldate's
Oxford
OX1 1DS

Or payment can be made by telephone: 01865 249811

PERSONS SERVED WITH THIS NOTICE

The persons served with this Notice are:-

Jonathan Beecher
1 Quarry High Street
Oxford
OX3 8JT

Sarah Elizabeth Porter
Company Secretary
Beecher Acoustics Limited
1 Quarry High Street
Oxford
OX3 8JT

Sarah Elizabeth Porter
Company Secretary
Quarry Mews Limited
1 Quarry High Street
Oxford
OX3 8JT

William Blackham
5 Hillside Close
Chalfont St Peter
Buckinghamshire
SL9 0HJ

Hitesh Gadhoke
10 Perry Way
Lightwater
Surrey
GL18 5LB

Any Owner
1 Quarry High Street
Oxford
OX3 8JT

Any Occupier
1 Quarry High Street
Oxford
OX3 8JT



CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.