

APPEAL REF APP/Q3115/W/25/336480 - CLARIDGE BARN, TETSWORTH

REPRESENTATION BY TETSWORTH PARISH COUNCIL

Introduction

Tetsworth Parish Council has consistently submitted detailed objections to development of the Claridge Barn ever since the registration of Planning Application P23/S4191/FUL and its withdrawn predecessor, P23/S3019/N4B. It recognises that the appellants' appeal is based on the adequacy of motorway noise mitigation measures, but makes this representation on the grounds of the status and ownership of land included in the site plans and long-standing conditions denying further development within the enclosing parcel of land under the appellants' ownership. The Parish Council's representation submits evidence of these grounds and considers that the appeal should be dismissed on principle.

Access Land Ownership

The site plan submitted with P24/S4191 (Ref 1) includes land to the south of Claridge Barn and extends to the adopted carriageway of Chiltern View. This parcel of land would be required for access to the proposed domestic dwellings. In the Application Form for P23/P4191/FUL (Ref 2) the applicant's agent certified that: *on the day 21 days before the date of this application nobody except the applicant was the owner of any part of the land or building to which the application relates*. The applicants then submitted a Public Notice (Ref 3) published in the Oxford Times of 21 March 2024 asserting ownership. They subsequently maintained that, as the access land was unregistered, it was entitled to make the following statement in its revised Certificate of Ownership (Ref 4): *Part of the access is unregistered land, and no one who takes access from it knows who the owners are. They may be the applicants*.

The Parish Council contests the applicants' ownership assertions. Earlier planning applications for redevelopment of the Claridge Barn and development of housing in the surrounding fields clearly established the extent and boundary of the land in the applicants' ownership. Site plans for P95/N0079/O (Ref 5) show the boundary to be drawn at the southern wall of Claridge Barn and excludes the parcel of land leading to Chiltern View. The statutory declarations of ownership by the applicants (Ref 6) are identical to the P95/N0079/O site plans and again exclude the access land.

The Parish Council submitted its initial broadly-based objection to the development on 23 January 2024 (Ref 7) and made reference to the incompatibility of proposed access across Common Land. It responded to the applicants' ownership claim on 9 April 2024 (Ref 8) within 21 days of the publication of the Public Notice. It confirmed that none of the potential owners of the access land had been contacted for comment. Subsequent information submitted on 3 September 2024 (Ref 9) by the applicants' agent wrote under a side heading 'Historic Legal Agreement': *I can confirm that we are now aware of this and in the event that this application is recommended for approval we would submit a request to amend / delete that agreement, and the approval can be delegated subject to that being done*.

What was referred to as the 'Historic Legal Agreement' was the status and ownership of the access land. On 16 October 2016, the Chair of Tetsworth Parish Council made a solemn declaration that the green space known as the Jitty and including the access parcel was Common Land and that it had been transferred to the Council in or around 1951. The declaration and linked site plans (Refs 10 and 11) were associated with the conveyance of a small parcel of this land alongside Knapp Cottage (33 Chiltern View) to the owners for a peppercorn fee. This is clear evidence of the Parish Council's

ownership of the remaining parcel of Common Land. The Oxfordshire County Council Common Land insert map (Ref12) confirms the extent of the parcel of land known as the Jitty.

Development on Applicants' Owned Land

A long history of approved, refused and withdrawn planning applications document the applicants' ownership of land surrounding Claridge Barn as defined in the applicants' declarations of ownership (Ref 6) and outlined in the site plan for P95/N0079/O (Ref 5).

The case officer's report for P98/N0076/0 to redevelop the Claridge Barn with a new dwelling included the following statements at para 8 and 9:

- 8 In 1995 an outline application (ref. P95/N0079/0) for 2 dwellings off Elm Close, Tetsworth was approved subject to a Section 106 planning obligation which stated that:-
"No more than 2 dwellings shall at any time hereafter be constructed on the application site and no further residential development shall hereafter be permitted on the property other than granted under planning reference P95/N0079/0 on the application.
- 9 A full copy of this agreement and a location plan is attached as Appendix III. For clarification "property" as referred to in the Planning Obligation is the area hatched on the accompanying plan which includes the application site for this current planning application

The Delegated report for P23/S4191/FUL (Ref 13) acknowledged that there is: *a section 106 agreement covering the site associated with the outline planning permission for two dwellings on Elm Close P95/N0079/O. This seeks to restrict any further residential development on the land.*

This clearly makes the case for refusal of the applicants' denies the applicants' proposals in There is a section 106 agreement covering the site associated with the outline planning permission for two dwellings on Elm Close P95/N0079/O. This seeks to restrict any further residential development on the land. P23/S4191/FUL.

Conclusion

Tetsworth Parish Council submits this representation objecting in principle to the development of Claridge Barn proposed by P23/S4191/FUL and urges the dismissal of the appeal on the grounds of the Common land status and Parish Council ownership of the access land and the earlier prohibition of further development of land including and surrounding Claridge Barn in the appellants' ownership.

References

1. Site Plan, Rev H - 250212
2. P23/S4191/FUL Application Form
3. Public Notice published in Oxford Times, 21 March 2024
4. Certificate of Ownership dated 27/03/2024
5. P95-N0079-O Site Plans
6. Statutory Declaration of Ownership
7. TPC Objection 2024-01-23
8. TPC Objection 2024-04-09
9. Historic Legal Agreement 2024-09-03
10. TPC Declaration of Common Land Ownerhip 2016

- 11 TPC Land Conveyance to Knapp Cottage Map
12. P98-N0076-O Report 1998-05-08
13. P23-S4191-FUL Delegated Report