



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 16 March 2020
Report Number	Agenda Item No. 6
Subject	Progress on Enforcement Cases
Wards affected	As specified in Annex A
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Summary/Purpose	To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations
Annex	Annex A – Schedule of cases (Sections A to C)
Recommendation	That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A be noted.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No

I. BACKGROUND AND MAIN POINTS

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 312 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 16% of the total caseload.

2. FINANCIAL IMPLICATIONS

- 2.1. There are no financial implications resulting from this report.

3. ALTERNATIVE OPTIONS

- 3.1. Not applicable, as the report is for information.

4. BACKGROUND PAPERS

- 4.1. None

SECTION A – PROGRESS ON CASES WHERE THE REQUIREMENTS OF A FORMAL NOTICE HAVE NOT BEEN MET WITHIN THE COMPLIANCE PERIOD

The cases listed in the following section are those where a notice has been served and the requirements have not been met within the compliance period or there has been an unauthorised display of advertisements. This means that an offence is likely to have been committed and that the Council need to consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
24 Saxon Road Witney	Construction of rear extension without planning permission	Enforcement Notice issued on 31/08/2018 requiring removal/remodelling of the extension within 6 months of the EN taking effect.	The date for compliance with the EN has expired .The new owner advised that he would implement the rear extension as approved by planning permission by the end of February 2020.Site visit needed to confirm compliance with the grant of planning permission. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.
Ramblers Cottage, Alvescot	Unauthorised removal of stone boundary wall and creation of access.	Enforcement Notice issued and the subject of an appeal which was dismissed on 3 January 2020 and the terms of the EN upheld.	The EN requires re-instatement of the stone wall by 3 March 2020.A site visit is needed to confirm compliance with the EN. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.
109 Abingdon Road, Standlake	Without planning permission a material change of use of land from agriculture to domestic garden	Enforcement Notice issued on 20 May 2019. Requires cessation of the unauthorised use by 19 August	A site visit is needed to confirm compliance with the EN. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.
Land adjacent to Waterworks Cottage, Worsham	Large outbuilding used for storage erected without planning permission	The building had been in situ for some time and is very prominently located away from other buildings. Despite advice from your Officers that the building needs planning permission and cannot be supported on its planning merits	A site visit is needed to confirm compliance with the terms of the EN. If compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
		<p>the building had not been removed voluntarily.</p> <p>An Enforcement Notice was subsequently issued on 2 October 2019 requiring removal of the building from the land within two months of the EN becoming effective. Removal required by 2 December 2019.</p>	
27 Cherry Tree Way	Unauthorised storage of materials relating to the occupiers business.	<p>EN 565 was issued in April 2016 requiring removal of the items relating to the occupiers business.</p> <p>The EN was complied with and the case closed.</p> <p>Investigation in to a recent complaint has confirmed that the unauthorised materials are being stored on the land.</p>	<p>Following confirmation that the terms of the EN are in breach, Officers have given the contravener a short time frame to remove the materials.</p> <p>If voluntary compliance not achieved with the terms of the EN the next step is to consider the initiation of legal proceedings to secure compliance.</p>

SECTION B – PROGRESS ON ENFORCEMENT INVESTIGATIONS WHERE FORMAL ACTION HAS BEEN TAKEN.

The cases listed in Section B are ones where a notice has been served but the compliance date has not yet passed.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Land at Mount Pleasant Farm, Northmoor	Unauthorised storage use. Unauthorised residential caravan	Two Enforcement Notices issued in respect of the identified breaches. Both the subject of appeals.	<p>The EN appeal in respect of the residential use was dismissed by the Inspectorate and the EN upheld. The cessation of the residential use and removal of the caravan from the land is required by 20 July 2020.</p> <p>Following an appeal the EN in respect of the storage use was quashed on the grounds that the Inspector considered that the notice failed to identify the breach in the terms required under S173(1) and (2) and that the EN could not be varied or corrected without prejudice.</p> <p>At the time of writing your Officers are considering issuing a further EN following further consideration of the Planning Inspectors comments in the appeal decision.</p>
4 Chimney Farm Cottages, Chimney	Unauthorised storage of builder's materials and equipment. Unauthorised hardstanding and building/office not considered incidental to residential use.	<p>One Enforcement Notice has been issued to date in respect of an alleged material change of use from residential to a mixed residential/commercial use as a builder's depot. This EN is the subject of an appeal to the Planning Inspectorate.</p> <p>At the Lowlands Sub Committee in February Members resolved to issue a further EN in respect of the unauthorised hardstanding and building/office.</p>	<p>Awaiting the outcome of the appeal in respect of the EN that has been issued.</p> <p>Second EN being drafted at the time of writing.</p>

SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
The Paddocks, The Weald, Bampton	Breaches of conditions attached to planning permissions for the individual plots on the gypsy site. Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.	Given the complexity and time required to progress this case a specialist lawyer has been instructed to guide your Officers on this site and a similar site in Uplands. At the end of 2018 a team of officers visited the site and personally served Planning Contravention Notices on all of the caravans on all of the plots in order to ascertain who is occupying the caravans together with information about their personal circumstances in order to gain an understanding of any human rights issues which will inform the next steps .	Post the poor response to the service of Planning Contravention Notices further legal advice was sought. In light of the legal advice received further Planning Contravention Notices requesting detailed information about the circumstances of the occupants of the individual caravans on each of the plots were issued on 13 June 2019. In recent weeks an agent acting for a number of the plot owners has submitted a planning application for plots 1 and 2 seeking to regularise the breaches of planning control on the plots. The application has not yet been validated as additional information has been requested. It is anticipated that this application will be registered in the near future allowing for the issues raised in the breaches of planning control to be considered within the existing policy context.
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received.	Expediency of formal enforcement action under consideration.
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, portacabin, vehicles	This site is located within the Green Belt and the floodplain.	Despite your Officers having offered the contraveners a potential way forward in seeking to regularise the unauthorised development no action has been taken by them to date. A recent site visit has confirmed that there appears to be further non - agricultural storage taking place on the site. In light of the fact that the present occupiers of the site are apparently not willing to engage with your Officers formal enforcement action will need to be considered.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Lower Haddon Farm, Bampton	Unauthorised residential caravan	Unfettered residential uses in the open countryside are unlikely to be acceptable on the planning merits unless there is an operational/ functional need that cannot be met in any other way	An application for a Lawful Development Certificate has been received under ref 19/1232/CLE which is presently under consideration. The application is still under consideration at the time of writing.
Manor Dairy Farm, Shilton	Unauthorised extension and conversion of barn to dwelling/clubhouse	A barn has been extensively remodelled/rebuilt and has all the features of a dwelling. The contravener has advised that he would like to use the building as a clubhouse for a model aircraft flying facility.	A retrospective application has been submitted in an attempt to regularise the use which is on the March Schedule for consideration by Members.
Home Farm, Barnard Gate	Additional gypsy pitch. Unauthorised use of land for the storage of vehicles and caravans	The site is authorised for a maximum of 5 pitches for occupation by gypsy families	Planning permission granted for the additional gypsy pitch. Consideration is being given to the expediency of taking formal enforcement action in respect of the unauthorised storage use.
Shaken Oak Farm, Hailey	Unauthorised storage of vehicles and caravans and erection of a marquee.	The land owner has been advised of the breach and voluntary removal of the equipment and fence has been requested.	The contravener has confirmed that the unauthorised development will be removed within the 6 week time frame that has been given. Site visit to confirm compliance.
North Leigh Windmill	Concerns have been raised about the physical state of the listed building and its surroundings.	Officers have had a number of meetings/discussions with the owner in respect of the state of repair of the building following which in recent weeks scaffolding has been erected around the structure.	A listed Building consent has recently been granted for internal and external alterations to weather-proof the Windmill including repair works and making good of existing roof. Officers are in discussions with the owner to ascertain when the said approved works are to be implemented.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Reynolds Farm, Cassington	<p>Unauthorised works and change of use of outbuildings to residential use without the requisite consents.</p> <p>Reynolds Farmhouse is a recently listed building (Grade II)</p>	<p>Retrospective applications have been submitted in an attempt to regularise the unauthorised developments.</p>	<p>Planning permission has been granted for the retrospective works to the outbuilding located adjacent to St Peters Church.</p> <p>An Enforcement Notice has been issued in respect of unauthorised works to the barn located to the west of the main farmhouse. This EN is the subject of an appeal to the Planning Inspectorate.</p>
Land at Thorney Leys	<p>Non -compliance with the approved landscaping scheme</p>	<p>A recent site visit has confirmed breaches of the approved scheme</p>	<p>Officers to liaise with the relevant interested parties to attempt to seek to secure compliance without the need for formal action.</p>
106 Raleigh Crescent, Witney	<p>Unauthorised change of use and enclosure of land</p>	<p>Planning permission for its retention refused and dismissed at appeal.</p> <p>At the Lowlands Sub Committee in February Members resolved to issue a further EN in respect of the unauthorised development.</p>	<p>Notice being drafted at the time of writing.</p>
Weald Manor Farm, Bampton	<p>Four separate alleged breaches of planning control as follows:</p> <p>Unauthorised extension to the main dwelling;</p> <p>Works not in accordance with the approved plans(15/02150/FUL)</p>	<p>Planning permission has recently been refused for the unauthorised extension to the main dwelling.</p> <p>The contravener and his agent have been in discussions with your Officers regarding how to progress the breaches.</p>	<p>A number of the breaches are considered harmful and failure to seek to address the concerns that have been raised will leave Officers no alternative but to consider the expediency of formal action.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	<p>for the range of buildings to the rear of the site;</p> <p>Unauthorised outbuilding and extension of curtilage:</p> <p>Non- compliance with condition 12 of 15/02150/FUL- Landscape details to be agreed in writing by the LPA prior to first occupation</p>		
31 Woodley Green, Witney	Alleged unauthorised change of use of a dwelling to an HMO.	Officers have been in discussions with the owner advising that occupation of the dwelling by more than six individuals will require planning permission.	It is your officers understanding that the owner intends reducing the number of individual occupants to six. PCN served to gather evidence/information.
Sheehan's, Dix Pit, Standlake	Alleged breach of noise condition.	Sheehan's have been cooperating in terms of Officers gathering information/measurements on site as well as providing data from on-site monitoring equipment	No evidence of a breach to date. ERS to do more monitoring of noise when the plant is operational again.