



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 14 September 2020
Report Number	Agenda Item No. 5
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 7](#)).
- 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 256 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 20% 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.	EN complied with. CLOSE
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.	EN complied with. CLOSE
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	EN complied with. CLOSE
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	EN not complied with. It has come to light that contravener has passed away since service of the EN. Next steps under consideration at the time of writing.

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>A further EN was issued in order to address storage on an area of land not included in the original notice on 18 March 2020.</p>	A recent site visit has confirmed that EN has not been complied. The next step is to consider the initiation of legal proceedings to secure compliance with the notice.
31 Woodley Green, Witney	A material change of use of the land from C3 residential use to Sui Generis Large HMO (house in	EN issued on 17 June 2020 requiring permanent cessation of the use as a large HMO within 30 days of the notice coming into effect, that being 15 August 2020.	At the time of writing your officers need to ascertain whether or not the EN has been complied with.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
	multiple occupation).		
Reynolds Farm, Cassington	Unauthorised works and change of use of outbuildings to residential use without the requisite consents. Reynolds Farmhouse is a recently listed building (Grade II	Retrospective applications were submitted in an attempt to regularise the unauthorised developments.	Planning permission has been granted for the retrospective works to the outbuilding located adjacent to St Peters Church. An Enforcement Notice was issued in respect of unauthorised works to the barn located to the west of the main farmhouse. An enforcement appeal was dismissed and the EN upheld with corrections requiring the removal of two front porch extensions and lowering the eaves and ridge height of the building by 6 th July 2020. A recent site visit has confirmed that the corrected EN has not been complied with. The next step is to consider the initiation of legal proceedings to secure compliance with the notice.

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 Construction of a motocross track and use of the land for motocross.	Two Enforcement Notices were issued in respect of the identified breaches (storage use and unauthorised residential caravan) Both were subject of appeals. A further breach on the land has recently occurred that being the construction of a motocross track.	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 was required by 20 July 2020. A recent site visit has confirmed that the EN in respect of the residential use has been complied with simply by relocating the caravan elsewhere on the land. In terms of the residential caravan that has been sited elsewhere on the land the next step under consideration at the time of writing is injunctive action. 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

			<p>or corrected without prejudice.</p> <p>In respect of the storage use and the recently constructed motocross track on the land two further enforcement notices have now been issued which seek to address the Inspectors comments in terms of the quashed notice. These notices are now the subject of appeals to the Inspectorate.</p>
4 Chimney Farm Cottages, Chimney	<p>Unauthorised storage of builder's materials and equipment.</p> <p>Unauthorised hardstanding and building/office not considered incidental to residential use.</p>	<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>The Enforcement Notice in respect of the storage use was the subject of an appeal which was dismissed. A recent visit has confirmed that the storage has been removed and the EN complied with. CLOSE.</p> <p>Two planning applications for outbuildings located on the area of hardstanding and building /office to the rear of the dwelling have been submitted since the last update to Members and subsequently refused. In light of the recent refusals Officers intend writing to the contravener and requesting that the hardstanding and building/office be removed voluntarily. If they are not removed voluntarily then a further EN will be issued.</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
<p>The Paddocks, The Weald, Bampton</p>	<p>Breaches of conditions attached to planning permissions for the individual plots on the gypsy site.</p> <p>Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.</p>	<p>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.</p> <p>Given the complexity and time required to progress this case a specialist lawyer was instructed to guide your Officers on this matter.</p> <p>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. It was considered that this information would help inform the next steps in respect of the planning breaches on the land.</p> <p>Whilst the response rates were good in respect of a number of the plots they were not consistently good across the site as a whole.</p>	<p>Since the last update to Members a planning application in respect of plots 1 and 2 has been approved for a reduced number of caravans on the plots. The permission is for a maximum of six caravans, four of which are for occupation by gypsy families and 2 for occupation by non gypsy families. The planning permission is subject to a legal agreement requiring that a minimum of four caravans on the site are occupied by gypsy families. Once the legal agreement is signed the planning permission can be issued. Whilst the granting of the permission increases the number of residential vans from two to six it is a significantly lesser number than are occupying the plots at present.</p> <p>At the time of writing it is understood that the agent acting for plots 1 and 2 may be submitting similar applications for a number of other plots on the land which will be considered on their planning merits in due course.</p> <p>If further applications are not submitted in an attempt to regularise the breaches of condition on the other plots that are in breach then consideration will need to be given to the expediency of taking formal enforcement action.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received.	Enforcement Notice issued requiring removal of stored items.
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, the siting of a container and parking of vehicles	This site is located within the Green Belt and the floodplain.	<p>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.</p> <p>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.</p> <p>A Planning Contravention Notice has been issued in order to obtain information about interests in the land and time frames for the storage use. At the time of writing no reply has been received to the PCN.</p>
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	<p>An application for a Lawful Development Certificate has been received under ref 19/1232/CLE which is presently under consideration.</p> <p>The application is still under consideration at the time of writing.</p>
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.	Conditional planning permission has been granted for the remodelling of the barn and the use as a clubhouse. CLOSE.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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. Since the last update to Members in March the number of vehicles and caravans stored on the land has reduced. In light of the reduction in storage on the land a further site visit is to be carried out in order to consider the expediency of taking formal enforcement action in respect of the unauthorised storage use.
Shaken Oak Farm, Hailey	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 has confirmed that the unauthorised development has been removed. CLOSE
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. The works the subject of the listed building consent are presently being undertaken. The Councils architect is to visit the site and subject to the works being implemented according with the lbc it is anticipated that the case can be CLOSED
Land at Thorney Leys	Non -compliance with the approved landscaping scheme	A recent site visit has confirmed breaches of the approved scheme	Partial compliance has been achieved along a section of the site frontage. Officers need to undertake further liaison with the relevant interested parties to attempt to seek to secure compliance without the need for formal action across the whole of the site.
106 Raleigh Crescent, Witney	Unauthorised change of use and enclosure of land	Planning permission for its retention refused and dismissed at appeal. At the Lowlands Sub Committee in February Members resolved to issue a further EN in respect of the unauthorised development.	A site visit has confirmed that the fence has been removed and the land reads as amenity land within the street. CLOSE

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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) for the range of buildings to the rear of the site;</p> <p>Unauthorised outbuilding and extension of curtilage:</p> <p>Unauthorised change of use of barn to a dwelling.</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>Since the last update to Members the unauthorised extension to the main house has been regularised through the granting of planning permission for part retrospective works. This element of the investigation is now CLOSED</p> <p>The other breaches cited still remain unresolved at the time of writing.</p>
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. CLOSE

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
50 Richens Drive, Carterton	Unauthorised porch extension	<p>Retrospective planning application 17/03250/HHD was refused and dismissed at appeal.</p> <p>A further planning application for an amended porch was refused under ref 20/00016/HHD. This is now the subject of an appeal.</p>	<p>Notwithstanding the fact that the latest planning application is the subject of an appeal, your Officers consider that given the outcome of the appeal under ref 17/03250/HHD it is expedient to issue an Enforcement Notice in respect of the 'as built' porch.</p>