

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 15TH DECEMBER 2014

PROGRESS ON ENFORCEMENT CASES

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Phil Shaw, Tel: (01993) 861687)

I. PURPOSE

- 1.1. To Inform the Members of the Area Planning Sub-Committee of the current situation and progress in respect of enforcement investigations (**Sections A-C**).
- 1.2. **Section A** – contains cases where the requirements of a formal notice have not been met within the compliance period or cases where an offence has occurred automatically as a result of a breach of planning control.
- Section B** – contains cases where formal action has been taken but the compliance period has yet to expire.
- Section C** – contains cases which are high priority but where the expediency of enforcement action has yet to be considered.
- Section D** – contains cases where No Further Action is being recommended.

2. RECOMMENDATIONS

- (a) That, the Sub-Committee notes the progress and nature of the outstanding enforcement investigations detailed in Sections A–C; and
- (b) Takes no further action with regard to the cases set out in Section D.

3. BACKGROUND

SECTION A – PROGRESS ON PROSECUTION CASES

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 should consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution. The unauthorised display of advertisements is an offence which could result in prosecution proceedings being initiated.

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Site Address and Case Number	Notice No:	Compliance Date	Unauthorised Development	Update/Action to be taken
New Found Out Farm, Hailey E11/0008	EN527	October 2010	Failure to demolish outbuilding. Non compliance with condition 2 of W2005/0787	<p>The Enforcement Notice was issued on 24 February 2010 and required demolition of a mono pitched outbuilding by 9 October 2010.</p> <p>Following the issue of the EN a planning application was submitted and subsequently refused which sought to retain the outbuilding. This refusal was dismissed at appeal.</p> <p>A Court Hearing was due to take place on 15 October 2013. This Hearing was adjourned until 11 November 2013. The Hearing was again adjourned until 16 December as the Council's Solicitor was unwell. The Court Hearing was then re-scheduled for 3 February 2014 as the owner was unwell. This was adjourned until 17 February to allow time for owner to sign the memorandum of Agreement and to pay the Council's costs of £500.</p> <p>Memorandum of Agreement between owner and WODC dated 10 February 2014 – within 6 months of the date of the agreement the owner is to remove the three bay mono pitched outbuilding and all the resultant debris and rubble from the site</p> <p>A further site visit has now been conducted. The three bay mono pitched outbuilding has now been dismantled and removed from site. The inspection shows a very small amount of rubble remains, Compliance with the Enforcement Notice has in chief been achieved, however the site is to be monitored to ensure the final removal of debris.</p>

<p>Land off Eynsham Bypass adjacent to Old Sewage Works and allotments, B4449, Eynsham</p> <p>E10/0003 E13/0081</p>	<p>EN544</p>	<p>October 2011</p>	<p>Unauthorised change of use of land for the siting of residential caravans</p>	<p>EN 544 was issued on 18 July 2011 and took effect on 31 August 2011. The notice had a two month compliance period and required that the travellers cease residential occupation of the site and remove the caravans and associated paraphernalia by October 31 2011.</p> <p>The terms of the EN were not fully complied with and following an Injunction Hearing on 21 September 2012 the remaining family were ordered by the court to leave the site by the 28 October 2012. The family complied with the Court Order by moving off site on to adjacent land that was not covered by the Court Order. A further Court Hearing took place on 20 February 2013 following which Injunction papers were served on the occupants which required that they vacate the land by 26 April 2013. The family vacated the land in accordance with the Injunction.</p> <p>Post vacation of the site covered by EN544 the land was occupied by new travellers who were not occupying the land when enforcement action was taken and the subsequent Injunction sought. Further Injunctive procedure in respect of the new occupants was sought.</p> <p>A further Court Hearing was due to take place 22 October 2013. This was adjourned. Legal representative at Cotswold was on long term sick leave. A further Court Hearing date was set for 10 January 2014. Papers were served on the occupants of the site.</p> <p>The Judge ordered Mr. Siret and all person unknown to vacate the land as soon as reasonably practicable due to the flooding and ordered further that Mr. Siret give a personal undertaking to the court to vacate as soon as reasonably practicable.</p> <p>Such an undertaking was given and signed by Mr. Siret and he was warned that if he breached either the Order or the undertaking and came before the Judge again he would be committed to prison for contempt of court.</p> <p>On 26 February 2014 the Court Order was served on the occupants of the site advising land to be vacated as soon as practicable.</p> <p>At the end of the compliance period a site visit was made and it was confirmed that there were still occupants on the site.</p>
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<p>Land off Eynsham Bypass adjacent to Old Sewage Works and allotments,B4449, Eynsham (Cont)</p>				<p>A further Court Hearing date was sought by the Council legal team and took place on 9 May 2014. Further compliance period was granted by Court giving a further 7 days.</p> <p>On 18th May Full compliance of the injunction was achieved. Mr Siret and his family vacated the land.</p> <p><u>Case to be closed: breach ceased</u></p>
<p>Hill Top Nursey Ramsden</p>			<p>Unauthorised Advertisements</p>	<p>Retrospective advertisement consent granted for the signs in a much reduced form.</p> <p>Following negotiations the offending signs have now been dramatically reduced to comply with the approved advertisement consent. All offending signs have been removed from site.</p> <p><u>Case to be closed: breach has ceased</u></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 Number	Unauthorised Development	Type & Date of Notice & Compliance Date	Notes	Update/Action to be taken
Land adjacent to 1 and 2 Waterworks Cottage, Worsham E09/0064	Unauthorised workshop building	EN 537 June 2012	This notice was held in abeyance pending the outcome of an appeal to the High Court Appeal dismissed so notice came into effect	The contravener has been granted planning permission for a smaller building on the site. He has advised that it is his intention to implement this consent as the High Court challenge was unsuccessful. A site visit was made on 27 November 2013 and in May 2014 and October 2014 and it was confirmed by officers that the remodelling of the building that has taken place to date accords with planning permission 12/1322/P/FP. The unauthorised element of the building has been largely demolished and works are ongoing in accordance with the planning permission. The site is to be monitored and case to be reviewed to ensure that works are completed in accordance with the planning permission 12/1322/P/FP. Officers are working with owner to achieve full compliance.
Manor Farm, Curbridge E10/0183 E10/0203	Unauthorised storage of non agricultural items on land to the rear of the garage block. Unauthorised use of garage block for the storage of non domestic items.	EN560 EN559	The notice did not take effect until the appeal was decided. The notice did not take effect until the appeal was decided.	Enforcement Notice 560 was issued on 20 November 2012 and took effect on 4 January 2013 with a four month compliance period to remove all of the unauthorised non agricultural storage. The EN was the subject of an appeal Enforcement Notice 559 was issued on 20 November 2012 and took effect on 4 January 2013 with a four month compliance period to remove all of the items not ancillary to the residential use of the adjoining barns. The EN was the subject of an appeal. The Appeal on EN559 was dismissed on 23 August 2013

Manor Farm, Curbridge (Cont.)				<p>The Appeal on EN560 was allowed on 23 August 2013 on ground (g), and the enforcement notice s varied by the deletion of four months and the substitution therefore of 6 months as the period of compliance. Subject to that variation the enforcement notice is upheld.</p> <p>The site was visited 24 March 2014 in the presence of the owner.</p> <p>Garage building now largely complete and most unauthorised storage now removed.</p> <p>Land to the rear was still untidy due to difficulties removing items due to water logged conditions. A further 6 months was given for compliance.</p> <p>Further site visit confirms that substantial works have been done to complete the Garage building. The land to the rear identified for unauthorised storage of building materials is the subject of a 215 Notice and a further inspection was undertaken in late November to check for removal of materials and the return of the land to agricultural. Other than the burning of some waste and the removal of a Portacabin this is now largely complete. Site to be monitored</p>
124 Woodstock Road, Witney E11/0188	Change of use of land from parking in association with the repair and servicing of vehicles to vehicle storage	EN563		<p>Enforcement Notice 563 was issued on 9 May 2013 and took effect on 25 June 2013 with a three month compliance period to cease using the land to store vehicles.</p> <p>The site has recently changed ownership. Negotiations are ongoing with the new owners regarding possible redevelopment. This breach has ceased as the unauthorised use has ceased. Recent fire resulted in the site being cleared by the new owners.</p> <p><u>Case to be closed breach has ceased</u></p>

<p>Land adjacent to Burycroft Farm, Crawley Road, Witney E13/0166</p>	<p>Change of use of land from storage of building materials and machinery. Erection of flood lights Unauthorised sign</p>	<p>EN564</p>		<p>Enforcement Notice 564 was issued on 14 April 2014 and took effect on 3 June 2014 with a one month compliance period:</p> <ol style="list-style-type: none"> 1) to cease all sandblasting operations; 2) remove from the land the structure used for sandblasting operations comprising storage containers, scaffolding, plastic sheeting and electric lighting; 3) remove from the land all vehicles, plant, machinery, apparatus, containers and other sandblasting operations; 4) cease all operations consisting of the renovation and maintenance of vehicles on any part of the land <p>This land has now been cleared. Indications are that it has been sold. Identified breaches have ceased.</p> <p><u>Case to be closed breaches have ceased</u></p>
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SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY.

Site Address and Ref No.	Breach	Notes	Update/action to be taken
Lawfield Buckland Road, BAMPTON E11/0018	Alleged unauthorised residential occupation of a mobile home		<p>This development was the subject of a CLEUD application which was refused. The CLEUD refusal has been appealed and was heard as an 'Informal Hearing' in July 2013. The Appeal was dismissed.</p> <p>Officers negotiating an alternative site for the caravan.</p>
10 Corndell Gardens, Witney E11/0172	Unauthorised conversion of a garage to a single dwelling	The unauthorised sub division of the plot was dismissed at appeal following refusal of retrospective planning permission.	<p>A retrospective planning application to use the building as a letting office was submitted and subsequently approved. However, allegations that conditions attached to the retrospective application are being breached are currently under investigation.</p> <p>Further site visit confirms that all conditions have now been complied with and this breach has ceased.</p> <p><u>Case to be closed breach ceased</u></p>
Entrance to New Yatt Business Centre, New Yatt E12/0220	Unauthorised change of use of land from agriculture to builder's yard, unauthorised siting of a metal container, unauthorised wooden enclosure (in excess of 2 metres in part).		<p>In the absence of a planning application in an attempt to regularise the breach, the contravener was advised, if the unauthorised development is not removed from the land and the builder's yard use ceased then an enforcement report will be prepared and presented to the Sub Committee.</p> <p>The owner of this land has agreed to cease all business activities, remove the unauthorised container from the land and use the compound solely in connection with the agricultural use of the land.</p> <p>Further period of monitoring to ensure full compliance.</p>

Site Address and Ref No.	Breach	Notes	Update/action to be taken
<p>1-3 West End, Witney E13/0006</p>	<p>Listed building in poor state of repair Dangerous wall</p>		<p>Attempts were made to arrange a meeting with contravener on site. Issue of the dangerous wall is a matter for the Building Control team.</p> <p>A site visit was made 5 April 2013 by Conservation Officer and Building Control Officer however they were unable to gain access.</p> <p>A letter was sent by Building Control on 16 April 2013 outlining works required to be completed by 29 April 2013. Required works were not carried out within the time frame.</p> <p>A Court Hearing took place on 25 June. An order was granted requiring the work to be carried out within 30 days.</p> <p>Building Control Officer confirmed that required works had not been carried out as at 2 October 2013.</p> <p>The site has changed ownership. Negotiations are ongoing with the new owners.</p> <p>These buildings are being cleared out and works commenced to make the properties secure. Officers are advised that planning applications are being prepared in respect of the future use of the buildings.</p> <p>Monitoring whilst awaiting the submission of planning applications</p>

SECTION D – PROGRESS ENFORCEMENT INVESTIGATIONS WHERE NO FURTHER ACTION IS RECOMMENDED

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Site Address and Case No			Unauthorised Development	Update/Action to be taken
Masons Arms Station Road South Leigh 14/9137			Unauthorised gates and fence surrounding a listed building	A low open rail three bar fence and gate has been erected to the side of this closed Public House. This is to restrict access into the car park in a bid to make the property secure. Whilst a minor technical breach due to the listing of the building, your conservation officers consider it is not expedient to take any further action.

4. ALTERNATIVES/OPTIONS

There are no alternatives for the elements of the report that are provided for information only.

5. FINANCIAL IMPLICATIONS

There are no financial implications.

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Background Papers:
None