

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**LOWLANDS AREA PLANNING SUB-COMMITTEE**

**MONDAY 15<sup>th</sup> FEBRUARY 2016**

**UPDATE ON PROGRESS ON ALLEGED BREACH OF PLANNING CONTROL- SUB-DIVISION OF SITE – MASON ARMS, SOUTH LEIGH**  
**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

(Contact: Kim Smith – Tel: 01993 861676)

**1. PURPOSE**

To Inform the Members of the Area Planning Sub-Committee of the current situation and progress in respect of the alleged breach of planning control at The Mason Arms, South Leigh.

**2. RECOMMENDATION**

That the Sub-Committee resolves that it is not expedient at this stage to take formal action in respect of the alleged breach of planning control in light of the pending submission of a planning application in an attempt to secure planning permission for a sub division of the site.

**3. BACKGROUND**

3.1 At the January Sub Committee Members were updated as follows in respect of the alleged breach of planning control at the Masons Arms in South Leigh:

*'In July 2015 the Council received an application for a lawful development certificate seeking to evidence that the single storey range of buildings attached and located to the rear of the 'Masons Arms' was lawful as a separate dwelling not ancillary to the pub use. This application was withdrawn prior to determination.*

*In light of the withdrawal an investigation was undertaken to ascertain whether or not there was an active breach of planning control on the site in respect of a sub-division of the site.*

*Following a site visit it came to light that the property was being physically sub divided from the pub building on the sites frontage and has a separate access and curtilage from the pub.*

*Notwithstanding the above, at the time of writing Officers understand that sub divided unit is not being occupied and therefore in terms of how the planning unit is being used there is presently no breach of planning control.*

*From the initial investigation in to the alleged breach of planning control on the site the owners of both the pub and 'Mason Cottage' have been in discussions with*

*Officers to ascertain the full extent of the alleged breaches and if they can be resolved by agreement rather than formal action. Those discussions are on-going at the time of writing.'*

- 3.2 Since that update report it has been confirmed that the cottage to the rear is being occupied by a gentleman who is living on site in a 'caretaking' role in respect of the listed pub - which is presently unoccupied.
- 3.3 In addition to the above, your Officers have been advised that a planning application is to be submitted imminently which will seek planning permission to sub divide the existing planning unit to provide a residential unit to the rear and retain the pub use at the front of the site. This was initially promised by 20<sup>th</sup> January but at the time of writing the application has not been received. Following requests as to progress by Officers regarding the non-submission of the promised application, the applicant's agent has recently advised that the application will now be submitted by the week ending 5/02/16. This report is tabled in the event that the application is not received such that Members can be updated as to the expediency or otherwise of enforcement action
- 3.4 Given that the submission of a planning application is imminent and in all likelihood it will have been submitted by the date of the Sub Committee meeting on the 15 February your Officers advice, in accordance with your adopted Planning Enforcement Policy for West Oxfordshire, is that no further action in respect of the breach of planning control, which without a separate occupation of the cottage from the pub (i.e. it is currently a caretaker role related to security of the listed pub) could be regarded as a technical breach is the most appropriate form of action at this time.
- 3.5 If the pending planning application is either not submitted or is refused following consideration of the merits then it will be appropriate to reconsider the expediency of taking any formal action post the refusal/non submission. Officers will seek to update Members as to the latest position by way of the additional representations report.

#### **4. ALTERNATIVES/OPTIONS**

Members may consider that in light of the breach of planning control that it is expedient to take formal enforcement action to remedy the breach. However this is not recommended as it is not clearly established whether there is in fact an actionable material breach at this time, whether there are any planning harms, and because on-going negotiation to seek an application to assess the merits is the preferred means to seek to resolve matters as set out in the Councils Adopted Planning Enforcement Policy.

## 5. FINANCIAL IMPLICATIONS

There are no financial implications at this stage.

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### **Background Papers:**

None