

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

MONDAY 21ST MARCH 2016

**UNAUTHORISED CONVERSION OF EXISTING BUILDINGS AND
ASSOCIATED OPERATIONAL WORKS TO PROVIDE THREE DWELLINGS,
LOWER FARM, LEW**

**UNAUTHORISED CONVERSION OF EXISTING BUILDINGS
AND OPERATIONAL WORKS TO PROVIDE TWO DWELLINGS,
YEW TREE COTTAGE, LEW**

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Kim Smith, Tel: (01993) 861676)

(The decision on this matter will be a resolution)

1. PURPOSE

To enable Members to consider whether it is expedient to authorise enforcement action to cease residential occupation of the converted buildings.

2. RECOMMENDATIONS

That Member's authorise the issue of enforcement notices to secure cessation of the residential uses of the converted buildings on both sites within 2 months of the notices coming into effect. Further, if compliance with the notices is not secured to institute further actions to secure compliance.

3. BACKGROUND

- 3.1 Following a complaint it has come to light that a number of buildings at Lower Farm and Yew Tree Cottage have been converted to dwellings used as holiday lets without the benefit of planning permission.
- 3.2 In an attempt to regularise the unauthorised developments two part retrospective applications have been submitted under references 16/00314/FUL and 16/00496/FUL. Members will note that both of these applications are on the March schedule for determination with a recommendation of conditional approval subject to a legal agreement that the dwellings are fettered by a holiday let use with non-consecutive tenancies limited to a maximum of 4 weeks.
- 3.3 Given the open countryside location of the unauthorised development, the unfettered use of the dwellings is considered contrary to both existing and emerging Local Plan policies for housing and the relevant paragraphs of the NPPF. The alleged contravener has sought to claim that a number of the retrospective conversions are lawful as the time frames for taking enforcement action in respect of the breaches has expired but this has not been proven by way of evidence or submission of lawful development certificates.
- 3.4 In light of the above your officers are recommending that if Members are minded to approve the applications subject to a legal agreement, that if the legal agreement is not signed within 2 months of the date of the resolution to approve the application (as may be extended if matters are progressing to Officers satisfaction), that formal

enforcement action by way of the issue of enforcement notices in respect of the five unauthorised houses is taken in order to seek to secure the Council's position which is that the unauthorised development has not been evidenced as lawful at the time of writing). Your officers are of the opinion that it is expedient to progress to formal enforcement if the legal agreement is not signed within the recommended time frame as the unfettered dwellings are considered contrary to policies H4 of the adopted Local Plan, H2 of the emerging Local Plan and paragraph 55 of the NPPF.

- 3.5 The National Planning Policy Framework states that 'effective enforcement is important as a means of maintaining confidence in the planning system'. Having regard to this principle, it is considered that enforcement action to require cessation of the unfettered residential uses if the legal agreement is not signed within the time frame recommended is expedient and a proportionate response to the harm identified in this report.

4. ALTERNATIVES/OPTIONS

Members may consider that the harm outlined in your officers report, is not so 'significant' such that it is expedient to take formal enforcement action.

5. FINANCIAL IMPLICATIONS

None at this stage.

6. RISKS

None at this stage.

7. REASONS

See Section 3 above.

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Background Papers:

None