

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

**MONDAY 18 JULY 2016**

**PROGRESS ON ENFORCEMENT CASES**

**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

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

**I. PURPOSE**

- I.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**)
- I.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** – At present there are 62 live re-active enforcement investigations on sites within Lowlands and this section contains cases which are high priority or where there is public interest but where the expediency of enforcement action has yet to be considered.

**2. RECOMMENDATIONS**

That, the Sub-Committee notes the progress and nature of the outstanding enforcement investigations detailed in Sections A – C.

**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.

Site Address and Case Number	Unauthorised Development	Notes	Update/Action to be taken
<p>Land adjacent to 1 and 2 Waterworks Cottage, Worsham</p> <p>E09/0064 EN 537</p>	<p>Unauthorised workshop building</p>	<p>The enforcement notice was held in abeyance pending the outcome of an appeal to the High Court.</p> <p>The High Court Appeal was dismissed and the enforcement notice came into effect</p>	<p>Post the issue of the enforcement notice planning permission was granted for a smaller building on the site.</p> <p>A series of site visits has confirmed that re modelling of the building in accordance with the grant of planning permission has taken place .At the time of writing the development is still not yet completed and your Officers are in discussions with the land owner regarding completion of the build and the time frame for compliance with a number of conditions attached to the grant of planning permission:</p> <p>Removal of a fenced enclosure and the implementation of an approved landscaping scheme.</p>
<p>Manor Farm, Curbridge</p> <p>EN560</p> <p>EN559</p>	<p>Unauthorised storage of non - agricultural items on land to the rear of the garage block.</p> <p>Unauthorised use of garage block for the storage of non -domestic items.</p>	<p>The notice took effect on 23 August 2013 following an appeal.</p> <p>The notice took effect on 23 August 2013 following a dismissed appeal</p>	<p>EN560 – Since updating Members in January 2016 on this matter a significant amount of non - agricultural items have been removed from the site and at the time of the last visit by officers removal of items was actively underway. In light of the on- going sustained activity on site it is anticipated that compliance with EN560 will have been achieved within the next month or so.</p> <p>EN559 complied with at date of last visit 16/6/2016</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	Notes	Update/Action to be taken
Saddlers Arms, New Yatt E13/0114	Unauthorised change of use of a public house to a dwelling	In October 2015 planning permission was refused for the retrospective change of use of the pub to a dwelling. At that time the Lowlands Area planning Sub Committee resolved to issue an Enforcement Notice in respect of the breach of planning control.	EN issued in January 2016. The notice has not been appealed. Compliance date for cessation of the building for residential purposes is 12 October 2016.
27 Cherry Tree Way E13/0049	Unauthorised non domestic storage		<p>Part of the domestic curtilage associated with the dwelling is being used for the storage of waste products and materials unrelated to the residential use of the property. Despite protracted on - going negotiations between officers and the occupier to seek to resolve the breach of planning control without the need for formal enforcement action , the stored items have not been removed from the site.</p> <p>Officers consider that the storage use that is taking place is not appropriate in a residential context.</p> <p>In light of the above an EN was issued on 22 April 2016. The notice requires the cessation of the land for the storage of miscellaneous appliances and items relating to the occupiers business as a kitchen fitter. The compliance date for cessation of the use is 27 August 2016.</p>

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

Site Address and Ref No.	Unauthorised Development	Notes	Update/action to be taken
1-3 West End, Witney E13/0006	Listed building in poor state of repair		The building has recently been cleared of stored items and planning and listed building consent applications for alterations and extension to the building to form four self-contained units approved. These permissions are under construction at the time of writing which have transformed the physical state of the listed building.
66 Corn Street, Witney E13/0134	Unauthorised rear extension and extractor unit		<p>Planning permission and listed building consent were refused for these works under 14/0639 and 14/0640.</p> <p>The contravener recently submitted an application in an attempt to regularise the breach, however the submission was returned as there were insufficient details provided. In light of the on-going breach your Officers are actively pursuing re-submission.</p>
Lower Farm, Lew Yew Tree Cottage, Lew 15/00002/PENF	Alleged unauthorised change of use of buildings to separate residential units, change of use of agricultural land to hard-standing to provide parking space to serve a dwelling house, creation of a roadway, erection of a building.		<p>Lower Farm, Lew - Planning permission has recently been approved for the unauthorised works subject to a legal agreement which limits the use of the dwellings to holiday lets. At the time of writing the legal agreement has not been signed by all parties and the decision letter has therefore not been issued.</p> <p>Yew Tree Cottage, Lew – Planning permission was granted for the retrospective development subject to a legal agreement which limits the dwellings the subject of the application to either ancillary use or as holiday lets. The legal agreement has been signed and the decision letter issued. The case in respect of Yew Tree Cottage is therefore <b>CASE CLOSED</b></p>
Masons Arms, South Leigh 15/00097/PENF	Alleged unauthorised sub division of premises to create a separate residential unit		<p>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.</p> <p>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 subdivision of the site.</p> <p>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.</p> <p>Retrospective applications to seek to attempt to regularise the breaches of planning control on the site were refused by the Lowlands Area Planning Sub Committee on 22 April 2016.</p>

			<p>The agent acting for the contravener has advised that the refusal of planning permission and listed building consent are to be appealed.</p> <p>In light of the potential appeals your Officers consider that it is not expedient at this stage to take enforcement action in respect of the breaches as there is no planning harm from the physical works and the Inspector will determine the planning merits of the sub division of the site in terms of use.</p> <p>However, given the on-going breach of planning control and given that the outcome of any appeal is unknown at the time of writing, your Officers have issued a Planning Contravention Notice in order to obtain information about the interests in the land and the residential occupation of the site.</p>
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#### **4. ALTERNATIVES/OPTIONS**

There are no alternatives for the report which is provided for information only.

#### **5. FINANCIAL IMPLICATIONS**

There are no financial implications.

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Background Papers:

None