

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LOWLANDS AREA PLANNING SUB-COMMITTEE**

**MONDAY 12 DECEMBER 2016**

**PROGRESS ON ENFORCEMENT CASES**

**REPORT OF THE HEAD OF PLANNING AND SUSTAINABLE  
COMMUNITIES**

(Contact: Kim Smith 01993 861676)

**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** – At present there are 75 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
Land adjacent to 1 and 2 Waterworks Cottage, Worsham  E09/0064 EN 537	Unauthorised workshop building	The enforcement notice was held in abeyance pending the outcome of an appeal to the High Court  The High Court Appeal was dismissed and the enforcement notice came into effect	Post the issue of the enforcement notice planning permission was granted for a smaller building on the site.  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 which relate to removal of a fenced enclosure and the implementation of an approved landscaping scheme.  A site visit has been arranged for 9 December for Officers to assess progress. The landowner /developer has been advised by Officers that failure to comply with the terms of the conditions in an expeditious manner will lead to formal enforcement action, particularly as the matter has been outstanding for an extended period of time now.
Manor Farm, Curbridge  EN560  EN559	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.	The notice took effect on 23 August 2013 following an appeal.  The notice took effect on 23 August 2013 following a dismissed appeal	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. A site visit is to be arranged with the landowner in the New Year to confirm compliance or otherwise.  EN559 complied with at date of last visit 16/6/2016
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.  A number of site visits have subsequently been carried out by Officers which appear to confirm that occupation has ceased. In order to confirm compliance your Officers intend writing to the owner to ask for confirmation that residential occupation has ceased.
27 Cherry Tree Way  E13/0049	Unauthorised non domestic storage	An Enforcement Notice was issued on 22 April in respect of the breach	Part of the domestic curtilage associated with the dwelling was 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 were not been removed from the site.

			<p>Officers considered 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 required 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 was 27 August 2016.</p> <p>Officers have made a number of visits to the site since the compliance period with the EN expired. At the time of the last visit the site had been almost completely cleared of miscellaneous appliances associated with the occupiers business. However, complaints have recently been received which suggest that further items have been brought to site and are being stored in breach of the terms of the EN.</p> <p>In light of the above Officers intend revisiting the property to confirm compliance or otherwise. Failure to comply will leave Officers no alternative but to consider preparing a case for prosecution.</p>
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**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
No outstanding cases under this section at the time of writing			

**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
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. The design of the alternative extraction system as proposed is not considered to address the concerns raised by Officers in respect of impact on the listed building. Bearing this in mind an alternative design is being considered</p>

			at the time of this update. There have been no recent complaints regarding smell nuisance.
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>Subsequently your Officers have been advised by the Parish Council that the site has been sold and we anticipate that a future planning application may be submitted in due course for a change of use/redevelopment of the site for commercial purposes.</p> <p>In terms of the alleged residential occupation on the site, there is no recent evidence to substantiate that there is a material breach of planning control at this time.</p>
Entrance to New Yatt Business Centre E12/0220	Alleged unauthorised storage use	This storage use which does not benefit from planning permission has ebbed and flowed over time. The land owner maintains that the storage use which is mainly waste wood/builders materials is related to his use of the land for agriculture	<p>In recent months the level of storage has increased, it appears unrelated to an agricultural use and is considered unsightly.</p> <p>In light of the above, if the storage use is not ceased voluntarily it is anticipated that formal enforcement action will be initiated in order to seek to clear the site.</p>
Land to the north of Mead View, Cassington Road, Eynsham 15/00005/PENF	Unauthorised use of land for storage and an office in association with a Stonemasons business	The site is presently partially used for the storage of caravans, a boat, a fire engine, builder's materials and other sundry items. Also on site is a replacement portacabin which is being used as an office by the occupier who has a stonemasons business	<p>The occupiers recently submitted a CLEUD application seeking to evidence that the storage uses on the land are lawful by reason of the passage of time. The application was subsequently withdrawn.</p> <p>In light of the fact that the breach remains outstanding and that the</p>

		<p>presently running out of Crawley Mill. There are a number of metal storage containers on the site which are being used for the storage of the occupier's tools.</p> <p>The site is located within the Green Belt and floodplain</p>	<p>development is problematic on its planning merits given both Green Belt and floodplain issues, Officers anticipate that if the breach cannot be resolved through negotiation that formal enforcement action may be necessary.</p>
<p>Land to the rear of Abingdon Road, Standlake</p> <p>16/00102/PENF</p>	<p>Unauthorised change of use of land to garden</p>	<p>It is clear from a recent site visit that the agricultural land to the rear of the frontage properties is being used as a garden by one of the frontage properties.</p>	<p>Given that the site is clearly visible from the public right of way and in light of the recent appeal decision at 131 Abingdon Road this extension into the rural fringe is unlikely to be acceptable on its planning merits. The next step is to establish who owns the land and how long it has been used as such.</p>
<p>131 Abingdon Road, Standlake</p> <p>16/00137/PENF</p>	<p>Unauthorised change of use of land as garden</p>	<p>Retrospective planning permission was refused for change of use of the land to garden under 16/00359/FUL and dismissed at appeal.</p>	<p>In light of the dismissed appeal the landowner has been advised that in order to ensure that formal enforcement action is not initiated in respect of the breach, that the land should be returned to agricultural use. Officers are to visit the site in order to assess whether or not the breach has ceased.</p>

#### 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