

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**LOWLANDS AREA PLANNING SUB-COMMITTEE**  
**MONDAY 12<sup>TH</sup> FEBRUARY 2018**  
**PROGRESS ON ENFORCEMENT CASES**

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

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

**1. 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.

**2. RECOMMENDATIONS**

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

**3. BACKGROUND**

3.1 The cases listed on this update constitute only a small number of the overall enforcement caseload which at the time of writing consists of 205 live cases.

3.2 Members will recall from the last update report that staffing levels in the team were below complement. However, the team is now fully staffed and Officers are working systematically through the backlog of cases in priority order.

**SECTION A – PROGRESS ON POTENTIAL PROSECUTION CASES AND UNAUTHORISED ADVERTS**

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>EN357</p>	<p>Unauthorised workshop</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 came into effect.</p> <p>Planning permission 12/1322 for an alternative workshop building has been approved and implemented post the issue of EN 357</p>	<p>Post the issue of the enforcement notice planning permission was granted for a smaller workshop building on the land which is now almost completed in accordance with the approved drawings.</p> <p>Planning conditions in respect of how the site is to be enclosed and landscaping of the site are the subject of on - going discussions between your Officers and the landowner. Whilst it is hoped that the conditions will be complied with without the need for formal action the matter has become protracted.</p> <p>A recent site visit has confirmed that the enclosure and landscaping details have not been carried out in accordance with discharged conditions.</p> <p>In light of the above it is anticipated that Breach of Condition Notices will be served in order to seek to address the breaches.</p>
<p>Saddlers Arms, New Yatt</p>	<p>Unauthorised residential occupation of public house</p>	<p>This Enforcement Notice took effect on 12 April 2016 with a compliance date of 12 October 2016</p> <p>The EN was not appealed.</p>	<p>In the last enforcement progress update Members were advised that your Officers have been monitoring the site on a regular basis to establish whether or not the residential occupation of the public house has ceased. Those ad hoc site visits appear to confirm compliance with no sign of activity within or without the building. In addition, Officers have not received any reports that the building is being occupied in breach of the notice. In light of the above it appears that compliance with the notice has been achieved.</p> <p>Notwithstanding the above your Officers were in receipt of correspondence from the recipient of the notice who has advised that she intended to market the property and live in the residential part of the pub whilst it is being marketed. She understood having taken legal advice that such an occupation is allowed.</p> <p>Your Officers have advised the owner that such re-occupation would be a breach of the Enforcement Notice.</p> <p>In light of the fact that it appears that compliance with the notice has been achieved, the re - active case has been <b>CLOSED</b> and a case has been opened in the proactive monitoring data base for an annual site visit to confirm compliance with the Enforcement Notice.</p>
<p>Shaan Restaurant, 12 Corn Street</p>	<p>Unauthorised sign</p>	<p>Not acceptable on its merits. It as an offence to display signs without the requisite consent.</p>	<p>Negotiations with contraveners' agent are ongoing. It is hoped that suitable alternative signage will be agreed upon within the next few weeks and put in place expeditiously thereafter.</p>

Cousinz Barbers, 65 High Street, Witney	Unauthorised sign	Not acceptable on its merits.  It as an offence to display signs without the requisite consent.	Officers have met with the site operators to advise that the signs require express advertisement consent and that any retrospective application is unlikely to be considered acceptable.  Alternative signage is the subject of on- going discussion.
70 High Street, Witney - (Italian Restaurant)	Unauthorised shop front and signage	Not considered by Officers acceptable on the merits	Officers have been taking the advice of the conservation architect on what is acceptable with a view to securing alternative shop frontage.
26 Market Square, Witney	Unauthorised sign	Retrospective application for advertisement consent refused.  It as an offence to display signs without the requisite consent.	Following the last update to Members Officers negotiated the submission of an amended application.  Application 17/03115/ADV for proposed amended signage has been approved.  File kept open to monitor the implementation of the new signage.
38 Corn Street, Turkish Barbers	Unauthorised signs	Not acceptable on its merits.  It as an offence to display signs without the requisite consent.	The site operators have met with Officers regarding the unauthorised signs and have removed a number of the picture panels from the sign as originally erected.  However, Officers consider that further modifications are needed which are the subject on-going discussion.
Birchwood and Rosedale, Ham Lane, Aston	Unauthorised means of enclosure consisting of vertical posts and stone boulders adjacent to the highway	This is a breach of the planning permission in respect of the redevelopment of Thistle Cottage.  Officers consider that there are two planning issues with the means of enclosure as presently erected.  Firstly is the adverse impact on the visual amenity of the Conservation Area and the second relates to highway safety.	26/10/17 - A Breach of Condition Notice was issued requiring removal of the enclosure within 30 days.  The enclosure has not been removed in accordance with the requirements of the Breach of Condition Notice and as such an offence has been committed.  In light of the above your Officers have invited the contraveners to attend a formal interview under caution prior to preparing a case for prosecution in respect of the breach of the notice.
Estate agents' signs in Witney area	A number of estate agents are advertising sales and lettings by placing boards in contravention of the Town and Country Planning (Control of	Officers wrote a "blanket letter" to local agents last year reminding them of what is deemed consent under the Regulations. Agents that are ignoring this advice are now being individually targeted.	Following direct action threatening prosecution, Officers have secured an assurance from the Managing Director of Scott Fraser that they will remove and dispose of any boards that do not comply with the Regulations. Officers are taking the same approach with other repeat offenders with a view to eliminating illegal estate agent boards in and around Witney.

	Advertisements Regulations) 2007 which is a criminal offence		
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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
Land at Mount Pleasant Farm, Chapel Lane, Northmoor	Unauthorised residential caravan	<p>Planning Contravention Notice served.</p> <p>The contravener claims that the caravan has been used for in excess of 10 years for residential purposes by him and his family at weekends.</p>	<p>In July 2017 retrospective application 17/02330/FUL was received to seek to regularise the breach.</p> <p>This application was considered by Members at the October Lowlands Committee meeting and was refused in accordance with the Officers recommendation. Members also had consideration of an Enforcement Report prepared by Officers and resolved to serve an Enforcement Notice.</p> <p>25/10/17- EN was served with a compliance date of 30 May 2018.</p> <p>28/11/17 – EN served on 25/10/17 was withdrawn and re-issued for procedural reasons with a new effective date of 5/1/18 and a compliance date of 5 July 2018.</p> <p>Officers understand that the re-issued EN is the subject of an appeal.</p>

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

Site Address and Ref No.	Breach	Notes	Update/action to be taken
66 Corn Street Witney	Unauthorised rear extension and extraction system		<p>Planning permission and listed building consent were refused for unauthorised works to the listed building.</p> <p>Modifications to the external flue have taken place the merits of which are under consideration by your Officers together with consideration of amendments to the existing extension in the interests of the listed building.</p> <p>The occupier and his agent are actively working with your Officers to try to resolve the breaches on the site.</p>
Masons Arms, South Leigh	Unauthorised internal works to the listed building	It came to light that internal works to the pub were taking place without the requisite listed building	<p>Application 17/01034/LBC approved.</p> <p><b>CASE CLOSED.</b></p>

		<p>consent.</p> <p>Those works have since been regularised by the granting of listed building consent ref 17/01034/LBC.</p>	
Entrance to New Yatt Business Centre, New Yatt	Unauthorised change of use of land from agriculture to builder's yard, unauthorised siting of a metal container		<p>As Members were made aware in the last progress update the storage on this site ebbs and flows.</p> <p>Despite protracted efforts over time to get the material removed voluntarily it remains in situ.</p> <p>Officers consider that it is unsightly and if allowed to remain in situ could become lawful over time.</p> <p>A recent site visit has confirmed that the storage use remains in situ. In light of the above it is anticipated that an enforcement report recommending the expediency of serving an Enforcement Notice to secure removal of the unauthorised storage will be expeditiously prepared.</p>
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of land for the storage of an office and materials associated with a stonemasons business	<p>May 2017 a Planning Contravention Notice was served on the occupiers of the site.</p> <p>The site is located within the Green Belt and the floodplain</p>	<p>Post return of the PCN the contravener has asked to meet with your Officers in order to discuss a negotiated solution.</p> <p>Officers have already advised of a potential way forward but the occupier of the land has not actively progressed the matter in accordance with your Officers recommendations.</p> <p>A recent site visit has confirmed that the site circumstances remain unchanged. Given that this has been outstanding for some time now and the breach has not been remedied it is anticipated that an enforcement report recommending the expediency of serving an Enforcement Notice to remedy the breach will be expeditiously prepared.</p>
Land to the rear of Abingdon Road, Standlake	Unauthorised change of use of agricultural land to garden	Site visits have confirmed that the land is clearly being used as garden by one of the frontage properties without planning permission.	<p>This extension into the rural fringe of the village is considered by Officers to be harmful.</p> <p>The ownership of the land and time frames for the use need to be established before considering the expediency of formal enforcement action.</p>
131 Abingdon Road, Standlake	Unauthorised change of use of agricultural land to garden	Retrospective permission was refused and dismissed at appeal under 16/00359/FUL	<p>At the time of writing it is not known if the breach has ceased. The landowner had advised Officers that the land is not being used as garden and that the items that were stored on the land were only stored for a temporary period.</p> <p>A site visit will ascertain the facts.</p> <p>If not ceased, in light of the appeal decision formal action by way of an enforcement notice is likely to be the next step.</p>

24 Saxon Way, Witney	Unauthorised two storey extension	<p>The developer secured planning permission for a two storey extension. He then constructed a larger two storey extension which Officers had previously advised was unacceptable.</p> <p>In an attempt to regularise the breach a retrospective application was submitted which was refused and subsequently dismissed at appeal.</p>	<p>Since the last enforcement update report to Members Officers negotiated the submission of an amended application which addressed both Officers and the Inspectors concerns.</p> <p>Application 17/02217/HHD for proposed amendments has been approved.</p> <p>The file is being kept open to monitor the implementation of the approved changes.</p>
209 Manor Road, Witney	Unauthorised single storey extension.	A single storey extension has been constructed between the side of the house and the highway on an area of amenity land, albeit it in the ownership of the contravener.	<p>The design, siting and materials of the extension are considered wholly inappropriate and adversely affect the visual character and appearance of the street scene.</p> <p>The contravener has told your Officers that he is going to take down the unauthorised extension voluntarily.</p> <p>If not removed in a timely fashion Officers will have no alternative but to proceed to formal action.</p>
Lower Haddon Farm, Bampton	Alleged unauthorised residential use of a caravan	This breach is unlikely to be acceptable on its merits given the unsustainable location of the site.	At the time of writing the site has yet to be visited. If a residential use is evidenced unless it is either lawful or can be justified on exceptional circumstances it is potentially likely to be the subject of formal action.
The Paddocks, The Weald, Bampton	<p>Alleged breach of conditions attached to planning permissions for the gypsy site.</p> <p>Possible change of use on some plots , excessive numbers of caravans</p>	Investigation into the alleged breaches of planning control on this site were put on hold as issues on the site were considered to extend beyond breaches of planning control only and a multi Service/Agency response to the changes on the site was organised.	<p>In mid-December Officers were advised by the lead external agency that its investigations had been suspended and that the Council Services that were involved, mainly Planning and Environment ( Site Licencing) should pursue any breaches on the site under the relevant legislation.</p> <p>In light of the above the relevant Council Officers met in mid -January to agree an investigation strategy.</p> <p>The initial site visits to consider any site licence contraventions will be carried out by Licencing very early in the New Year. The site visits in respect of the alleged Planning contraventions will take place shortly afterwards.</p>
Westfield Farm, Shilton	Unauthorised residential use of a caravan	Residential caravans in the open countryside are unlikely to be acceptable in sustainability terms.	<p>This alleged breach is in the early stages of investigation. It does appear however from initial discussions with the site owner that there is a breach of planning control.</p> <p>However, Officers were advised that the caravan was being occupied whilst an annexed extension with planning permission was under construction .The annexe is to house the occupier of the caravan who has connections with the family.</p>

			In light of the above a site visit is to be carried out to confirm that the caravan has been removed from the land and that the occupation of the annexe is genuinely ancillary.
58 Newland Mill, Witney	Unauthorised change of use of dwelling to guest house	There have been approximately 30 complaints from neighbouring residents about the change of use of this property. It is a busy residential area and the property shares driveway access. The main issues are parking and neighbours' amenity.	Following a site visit which confirmed the unauthorised material change of use, Officers have asked for a retrospective application so that it can be assessed on its planning merits.
18 Larkspur Grove, Witney	Unauthorised residential use of approved ancillary accommodation	A site visit confirmed that the conversion of a garage to living accommodation was not in accordance with the approved plans. In addition Officers were of the view that it was being used as a separate dwelling in breach of a condition.	Officers have written to the contravener giving her the option of applying for retrospective consent for the development carried out but removing the elements of the conversion – namely some of the kitchen fittings - which enable it to be used as a separate dwelling. Information has also been requested regarding the inter-relationship between the occupier of the annexed accommodation and the main dwelling house.

#### **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