

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

MONDAY 8 JULY 2019

PROGRESS ON ENFORCEMENT CASES

REPORT OF BUSINESS MANAGER – DEVELOPMENT MANAGEMENT

(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.

Section B – contains cases where formal action has been taken but the compliance period has yet to expire.

Section C At present there are 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 285 live cases.

3.2 As the relatively newly appointed team members expand their knowledge base and experience it is anticipated that the backlog of low priority cases will be further reduced allowing the priority cases to be progressed more expeditiously and pro-active monitoring to be actively commenced in due course.

SECTION A – PROGRESS ON CASES WHERE THE REQUIREMENTS OF A FORMAL NOTICE HAVE NOT BEEN MET WITHIN THE COMPLIANCE PERIOD

3.3 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 need to consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution.

3.4 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
24 Saxon Road Witney	Construction of a rear extension without planning permission.	Enforcement Notice issued on 31/08/2018 requiring removal/remodelling of the extension within 6 months of the notice taking effect.	The date for compliance with the notice has expired. Next step is to site visit to confirm compliance or otherwise.

SECTION B – PROGRESS ON ENFORCEMENT INVESTIGATIONS WHERE FORMAL ACTION HAS BEEN TAKEN.

3.5 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 Northmoor	Unauthorised storage use. Unauthorised residential caravan	Two Enforcement Notices issued in respect of the identified breaches.	Both notices are the subject of appeals to the Planning Inspectorate.
10 Corndell Gardens, Witney	Unauthorised change of use of dwelling to party house	Enforcement Notice issued in January 2019 requiring cessation of the use by end of March 2019.	Use ceased in accordance with the terms of the Enforcement Notice. CASE CLOSED
58 Newland Mill, Witney	Unauthorised change of use of dwelling to party house	Enforcement Notices issued and an application for an injunction was made at the high Court District Registry in Birmingham. The injunction was granted and prevents use of the property for weekend or short term lets or any other material change of use of the property without the grant of planning permission.	Compliance with the terms of the injunction has been monitored and complaints from neighbours have now ceased. The case can now be closed. CASE CLOSED
The Paddocks, The Weald, Bampton	Breaches of conditions attached to planning permissions for the individual plots on the gypsy site. Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.	Given the complexity and time required to progress this case a specialist lawyer has been instructed to guide your Officers on this site and a similar site in Uplands. At the end of 2018 a team of officers visited the site and personally served Planning Contravention Notices on all of the caravans on all of the plots in order to ascertain who is occupying the caravans together with information about their personal circumstances in order to gain an understanding of any human rights issues which will inform the next steps in	Post the poor response to the service of Planning Contravention Notices further legal advice was sought. In light of the legal advice received Planning Contravention Notices requesting detailed information about the circumstances of the occupants of the individual caravans on each of the plots were issued on 13 June 2019. This information will help inform the next steps in respect of the planning breaches on the land.

		<p>addressing the breaches of planning control on the site.</p> <p>The information gained from this first round of PCN's was very limited as the response rate was low. Despite some initial contacts by a couple of agents/parties acting for the different plot owners no follow up action was undertaken by those parties.</p>	
109 Abingdon Road, Standlake	Without planning permission a material change of use of land from agriculture to domestic garden	Enforcement Notice issued on 20 May 2019.	Requires cessation of the unauthorised use by 19 August.

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
Land adjacent to Waterworks Cottage, Worsham	Large outbuilding used for storage erected without planning permission	The building has been in situ for some time and is very prominently located away from other buildings. Despite advice from your Officers that the building needs planning permission and cannot be supported on its planning merits the building has not been removed voluntarily.	Enforcement Action to be considered
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received.	Enforcement Action to be considered
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, portacabin, vehicles	This site is located within the Green Belt and the floodplain.	<p>Despite your Officers having offered the contraveners a potential way forward in seeking to regularise the unauthorised development no action has been taken by them to date.</p> <p>A recent site visit has confirmed that there appears to be further non-agricultural storage taking place on the site.</p> <p>In light of the fact that the present occupiers of the site are apparently not willing to engage with your Officers formal enforcement action will need to be considered.</p>
Lower Haddon Farm, Bampton	Unauthorised residential caravan	Unfettered residential uses in the open countryside are unlikely to be acceptable on the planning merits unless there is an operational/ functional need that cannot be met in any other way.	An application for a Lawful Development Certificate has been received under ref 19/1232/CLE which is presently under consideration.

Manor Dairy Farm, Shilton	Unauthorised extension and conversion of barn to dwelling/clubhouse	A barn has been extensively remodelled/rebuilt and has all the features of a dwelling. The contravener has advised that he would like to use the building as a clubhouse for a model aircraft flying facility.	At the time of writing there is some confusion about precisely what the contravener intends the building to be used for. He has employed a planning agent who is acting on his behalf and your officers understand that he intends submitting a retrospective application for a clubhouse which will be considered on its merits in due course.
Land opposite Crawley Arms PH, Crawley	Siting of residential caravans	There are a number of caravans located on the land opposite the pub which appear to be occupied for residential purposes.	Despite initial contact having been made with the owner of the land no real progress has been made on this breach to date. Given that unfettered residential uses in the open countryside are unlikely to be supported in housing policy terms you Officers intend progressing this matter as expeditiously as possible over the next few months.
Home Farm, Barnard Gate	Additional gypsy pitch Unauthorised use of land for the storage of vehicles and caravans	The site is authorised for a maximum of 5 pitches for occupation by gypsy families.	A planning application has been submitted in respect of the additional gypsy pitch which will be considered on its merits in due course. Given the unsightly nature of the storage use, failure to remove the unauthorised storage on the land voluntarily will mean formal enforcement action being considered.
Land north of 71-81 Park Road, North Leigh	Unauthorised abandoned farm equipment and erection of heras fencing	The land owner has been advised of the breach and voluntary removal of the equipment and fence has been requested.	Consider expediency of taking formal action to remedy the breaches if voluntary removal is not achieved within the time frame given.
Shaken Oak Farm, Hailey	Unauthorised storage of vehicles and caravans and erection of a marquee.	The land owner has been advised of the breach and voluntary removal of the equipment and fence has been requested.	The contravener has confirmed that the unauthorised development will be removed within the 6 week time frame that has been given.
North Leigh Windmill	Concerns have been raised about the physical state of the listed building and its surroundings.	Officers have had a number of meetings/discussions with the owner in respect of the state of repair of the building following which in recent weeks scaffolding has been erected around the structure.	At the time of writing Officers have not been advised why the scaffolding has been erected and what repair works, if any are proposed .The owner is to be contacted in order to clarify what is proposed prior to considering next steps.
Windmill House, North Leigh	Concerns have been raised about the physical state of the listed building.	Building Control are looking at the health and safety issues in respect of the physical state of the buildings on the land.	Officers will work with the owner in the first instance in order to seek to get any requisite repair work implemented voluntarily.
Bellway Homes, New Yatt Road, North Leigh	Display of unauthorised signage	Officers have contacted the developer advising that the level of signage presently displayed is in breach of the Advertisement Regulations and that the signs should be	Next Steps under consideration.

		reduced in order to comply with what can be displayed as 'Deemed Consent'.	
Reynolds Farm, Cassington	<p>Unauthorised works and change of use of outbuildings to residential use without the requisite consents.</p> <p>Reynolds Farmhouse is a recently listed building (Grade)</p>	Retrospective applications have been submitted in an attempt to regularise the unauthorised developments.	The retrospective applications will be considered on their merits.

4. ALTERNATIVES/OPTIONS

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

5. FINANCIAL IMPLICATIONS

There are no financial implications.

Phil Shaw
Business Manager- Development Management
Author: Kim Smith
Tel: (01993) 861676

Email: kim.smith@westoxon.gov.uk

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Background Papers:

None