

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 4 JANUARY 2016

PROGRESS ON ENFORCEMENT CASES
REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

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

(The report is for information)

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

Section A – Progress on Prosecution Cases

- 3.1. 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
Unicorn Public House, Great Rollright E14/0047	Section 54 Notice	The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.	<p>A Section 54 Notice was served on 8/12/2015 requiring a schedule of urgent works to be carried out on the building. The Notice states that unless by the 16 December 2015 the Council are satisfied that the works are being carried out that the Council may itself enter the land on which the building stands and carry them out. If the Council carry out the works, any interests in the site will be sent a further notice indicating the expenses incurred by the Council and requiring the owner to reimburse it. Upon receipt of such a notice the relevant interest has an opportunity to make representations to the Secretary of State.</p> <p>At the time of writing your Officers anticipate that the urgent works the subject of the section 54 notice will be carried out by contractors instructed by the Council.</p> <p>A further report concerning the long term restoration and use of the building is anticipated in the early spring.</p>
33-35 Sheep Street, Burford E10/0272	Unauthorised upvc windows -	At the Uplands Area Planning Sub-Committee meeting of 6 September 2010 members resolved to serve an Enforcement Notice to secure removal of the plastic windows and replacement with windows of a more appropriate design and materials.	<p>Officers had been advised that due to funding issues the date for implementation of the final phase of window replacements would be by the end of June 2014.</p> <p>In light of the progress made without the need for formal enforcement action, your officers consider that the phased replacement of windows to be completed by the end of June 2014 was an appropriate way to progress this breach of planning control.</p> <p>A site visit is needed to ascertain if the works have been completed in accordance with the listed building consent.</p>

Section B – Progress on Enforcement Investigations where Formal Action has been taken

3.2. 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
Pomfret Castle Barns, Banbury Road, Swerford E12/0027	Non-compliance with condition 14 of W2007/1085	<p>Condition 14 of W2007/1085 states the following:</p> <p>'The occupation of the accommodation provided shall be limited to holiday tenancies and those tenancies not to exceed 8 weeks (in each case).</p>	<p>In an attempt to regularise the breach, a planning application for non-compliance with the condition was submitted which was subsequently refused on the grounds that it had not been demonstrated that the buildings are not reasonably capable of holiday let uses or alternative uses such that unrestricted residential use is the only option for securing retention of the buildings.</p> <p>Following refusal of the application a report was prepared for the Sub Committee to consider the expediency of taking formal enforcement action to secure compliance with the condition.</p> <p>Members resolved to serve an enforcement notice with a long compliance period of 10 months. The long compliance period was to allow for marketing of the barns to take place in order to give the contraveners an opportunity to demonstrate that there is no demand for holiday lets or alternative non - residential uses.</p> <p>Subsequently a planning application was approved on 22/1/2015 for non- compliance with condition 14 to allow converted barns 'A' and 'D' to be unrestricted residential use and a variance with condition 14 to allow converted barn 'C' to be occupied as managers accommodation or a holiday let.</p> <p>The reactive case is now CLOSED and the conditional permission will be actively monitored under ref 15/00258/PENF on the proactive monitoring data base.</p>
Briars Close Nursery, London Road, Moreton In Marsh E12/0227	Unauthorised change of use of land from agricultural to residential by the siting of a caravan	<p>This breach of planning control is taking place on a piece of land that straddles the border between West Oxfordshire District Council and Stratford on Avon District Council.</p> <p>In an attempt to regularise the breach of planning control planning applications were submitted to both Councils. Both applications were refused in July 2013. The refusals were subsequently dismissed at appeal.</p>	<p>Given the unusual circumstances of this breach, any enforcement action needs to be taken by both Local Planning Authorities at the same time.</p> <p>Following the dismissed Section 78 appeal at the meeting of 14 December 2014 Members noted officer's next steps to prepare an enforcement notice in respect of the breach.</p> <p>An enforcement notice was issued and served on 8 June 2015. This notice is the subject of an appeal which will be by way of a Public Inquiry to be held on 4 May 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
<p>The Shooting Ground, Enstone Airfield E11/0051</p>	<p>Non-compliance with conditions attached to W2004/2237</p>	<p>The complaint related specifically to the days that the business was operating from the site and noise levels.</p>	<p>In an attempt to regularise the matter a planning application was submitted which proposed expansion of the clay pigeon shooting activity on to adjoining land (including the site of the motocross) and erection of attenuation bunds and associated works under ref 14/1178</p> <p>This application was conditionally approved on 8 April 2015.</p> <p>A recent site visit has confirmed that this consent has not yet been implemented because the applicant needs to get planning permission from OCC to construct the bunds because of the amount of what is classified as 'waste' material in the construction of the acoustic bunds. This application is presently under consideration by the County.</p> <p>If approved it is the applicant's intention to commence the expansion of the school in accordance with the terms of 14/1178.</p> <p>Since the issue of the planning permission the motocross use on the adjoining land has ceased. In light of the above the re-active enforcement case has been CLOSED and the planning permission has been included on the proactive monitoring data base to ensure that when implemented the conditions are complied with.</p>
<p>Land adjacent to Meadow End, Fulbrook E12/0120</p>	<p>Unauthorised gypsy/traveller site</p>	<p>Application 13/0911/P/FP for Change of use of land to Romani Gypsy caravan site, conversion of existing buildings to create utility block & dayroom with associated works. (Part retrospective) was refused in October 2013. The application was appealed</p>	<p>Appeal Hearing took place 2 July 2014.</p> <p>The appeal has been upheld with conditions.</p> <p>In light of the above the reactive case has been CLOSED and the planning permission has been included on the proactive data base to ensure that the conditions imposed by the Inspector are complied with.</p>

Site Address and Ref No.	Unauthorised Development	Notes	Update/action to be taken
Leaffield Technical Centre, Langley E12/0166	Unauthorised construction works	14/0897/P/FP- Planning permission granted for the external plant with conditions relating to noise emissions, hours of operation and the construction of acoustic barriers	<p>This site has now closed and all works ceased in association with the former use. The complaints in respect of both hours of operation and noise of have therefore ceased as the building is vacant. An undertaking was received by the administrators of the site that any future purchasers would be made aware of the potential breach if the machinery is operated without the required mitigating works approved under 14/0897/P/FP having been put in place.</p> <p>At the time of writing your Officers understand that the site has new owners.</p> <p>In light of the above the case can technically be closed, however, given that the external plant has not yet been mitigated in accordance with 14/0897/P/FP the file is to remain open to monitor the future use of the site.</p>
Cuckoo Wood Farm, Eynsham Road, Freeland E13/0059	Unauthorised operation of coaches from the site. Unauthorised siting of 5 portacabins Unauthorised static caravan	<p>Application 13/0794/P/FP (change of use from agricultural to coach park (Retrospective) was refused 8 January 2014.</p> <p>A subsequent appeal was dismissed</p>	<p>Following the dismissed appeal the portacabins, caravan and coaches have been removed from the land without the need for formal enforcement action.</p> <p>CLOSE</p>
Orchard Cottage, Churchill 14/00217/PENF	Alleged non-compliance with Enforcement Notice issued in 1997.	This matter is presently under investigation and has been the subject of a number of site visits in order to assess whether or not the enforcement notice which requires cessation of the residential use of the caravan is being breached. Given that the site visits are undertaken on week days officers have as yet been unable to determine whether or not there is a material breach of planning control.	A Planning Contravention Notice is to be served which requires the owner /occupier of the site to provide definitive information about the use and ownership interests of the land and caravan. Failure to respond to a PCN without reasonable excuse is an offence.

4. ALTERNATIVES/OPTIONS

None.

5. FINANCIAL IMPLICATIONS

None.

6. RISKS

None.

7. REASONS

To provide the sub-committee with a regular update on planning enforcement matters.

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Date: 18 December, 2015

Background Papers:

None