

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 3 JUNE 2019

NON COMPLIANCE WITH APPROVED PLANS (18/00967) FOR THE
ERECTION OF A REPLACEMENT DWELLING WITH ASSOCIATED
DRAINAGE, PARKING AND LANDSCAPING AND NEW VEHICULAR AND
PEDESTRIAN ACCESS, 34 GROVE ROAD, BLADON, OXON

REPORT OF THE BUSINESS MANAGER - DEVELOPMENT MANAGEMENT

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

(This report is to note)

1. PURPOSE

To inform the Members of the Uplands Area Planning Sub-Committee of the current situation and progress in respect of enforcement investigations.

2. RECOMMENDATIONS

That Members note the progress to date and recommend to taking no formal enforcement action at this stage.

3. BACKGROUND

- 3.1. This report has been prepared following a request from Councillor Julian Cooper that progress on the enforcement investigation be reported to the Uplands Area Planning Sub Committee in June.
- 3.2. In April 2019 Officers received a number of complaints that the development approved under 18/00967/FUL was not being constructed in accordance with the approved drawings.
- 3.3. Since the complaints were first raised officers have carried out four separate site visits in order to assess the works, including a site visit by both the Principal Planner (Enforcement) and the Planning Business Manager. Although it is clear there appears to be some deviation from the plans approved under permission 18/00967/FUL(remodelling of the land levels to the rear of the site in order to provide a more extensive rear garden area to serve the dwelling and the construction of a retaining wall, it was and remains your Officers opinion at the time of writing this report that, notwithstanding the location of the site within the Conservation Area, the breach is not sufficiently harmful to the character and appearance of the Conservation Area to justify formal enforcement action at this time. In accordance with both the Governments guidance on such matters and advice contained in the Councils own Enforcement policy Officers have invited a retrospective planning application and have emphasized in our communications with the developer and his architect that operations in breach of planning control are carried out at the developer's own risk. In this regard it is anticipated that a retrospective planning application which will identify all of the proposed changes to the scheme as approved will be received prior to the date of Members consideration of this update report. In the meantime, Officers will continue to monitor the site.

- 3.4. The enforcement provisions of the Town and Country Planning Act 1990 confer a power on the local planning authority to take enforcement action when expedient to do so, having regard to the provisions of the development plan and to any other material considerations. The power is a discretionary one and there is no duty to do so. In this case, your Officers have assessed the impact of the works to date on the character and appearance of the Bladon Conservation Area in accordance with their duty under section 72 of the planning (listed buildings and conservation areas) act 1990 and will do so again when considering the development as a whole in the context of any tabled retrospective application. As part of this process, neighbours will be given the opportunity to make representations on the retrospective application including any perceived harm to amenity.
- 3.5. In addition to the above the Local Planning Authority has 4 years within which to enforce a planning breach. Prior to us deciding to initiate that action we must be satisfied that there is harm rather than merely difference. At the time of writing Officers cannot identify such harm as to recommend that it is expedient to initiate formal enforcement action at this time. Officers are continuing to monitor the development and to seek a retrospective application whereupon the merits of the varied scheme can be fully assessed.

4. ALTERNATIVES/OPTIONS

Notwithstanding your Officers recommendation to take no planning enforcement action at this time, Members may consider that harm to interests of acknowledged importance are so 'significant' such that it is expedient to take formal enforcement action. That decision will however need to be the subject of a further enforcement report which will set out in more detail the different enforcement action options and contain a section on Human Rights relating to the peaceful enjoyment of possessions.

5. FINANCIAL IMPLICATIONS

None at this stage.

6. RISKS

None at this stage.

7. REASONS

See Section 3 above.

Phil Shaw
Business Manager- Development Management

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Background Papers:

None