

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**UPLANDS AREA PLANNING SUB-COMMITTEE**

**MONDAY 1 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.

Site Address and Case Number	Unauthorised Development	Notes	Update/Action to be taken
Unicorn Public House, Great Rollright	Listed Building allowed to fall into a state of disrepair	The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.	<p>Since the last enforcement progress report in Jan 2019 and following the report to Cabinet in November 2018 where Officers recommended that if the building is to be secured it will be necessary to enact the resolution to compulsorily purchase it and make budgetary provision for such action a full report was put to Council on 23 January 2019 and agreed.</p> <p>Since then:</p> <p>Building Control has continued inspections to review safety of the structure.</p> <p>Officers have met specialist external consultants to clarify CPO process/next steps</p> <p>Estates have commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action</p> <p>A verbal update on progress to be given at the meeting.</p>

## 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
The Bull Inn, Sheep Street, Charlbury	Unauthorised flue and extraction system.	<p>Planning and Listed Building consent applications for the unauthorised extraction flue were submitted under references 16/01140/FUL and 16/01141/LBC and were subsequently withdrawn.</p> <p>Applications were refused for the same extraction flue at a different location on the building (Ref nos. 17/00790/FUL and 17/00791/LBC).</p> <p>In light of the refused applications and the fact that the existing system that is in situ is considered to adversely</p>	<p>On 7<sup>th</sup> August 2017 Members of the Uplands Planning Sub-Committee 07/08/2017 resolved that Officers be authorised to issue an enforcement notice to secure removal of the extraction unit with flue within 3 months of the notice coming into effect.</p> <p>On 22<sup>nd</sup> September 2017 Enforcement Notices were served which would take effect on 30<sup>th</sup> October 2017.</p> <p>On 30<sup>th</sup> October 2017 an appeal was lodged against the notice.</p> <p>The appeal was dismissed on 30 October 2018 and the enforcement</p>

		impact on both the architectural character and appearance of the listed building and the Conservation Area, your Officers prepared an enforcement report with a recommendation to take formal enforcement action.	notice upheld.  Listed Building Consent was approved for an alternative extraction unit and flue on 30 May 2019. In light of the approval your officers are working with the site owner to ensure that the approved unit is expedited as quickly as possible and the unauthorised unit removed without the need for further action.
Goose Eye Farm, Eynsham	Alleged unauthorised 39 metre long structure	Planning application ref 17/00091/FUL for replacement dwelling refused  Enforcement action taken which took effect on 5/1/18 requiring removal of the extension by 18 May 2019.	Following a recent site visit officers can confirm that the 39metre long extension has been removed in accordance with the requirements of the Enforcement Notice.  <b>CASE CLOSED</b>
Orchard Cottage Churchill	Alleged non - compliance with enforcement notice	Owner moved back onto site in contravention of extant enforcement notice	Given Human Rights issues a further enforcement notice was issued that required cessation of the residential use of the site once the current occupier ceased to occupy the land.  Following an appeal the enforcement notices were found to be nullities and quashed.  Post the appeal decision a planning application was submitted by the landowner a personal consent to occupy the land for residential purposes.  In light of this at the Uplands Area Planning Sub Committee on 3 December 2018 Members resolved as follows:  (a) That new Enforcement Notices be prepared to address both the unauthorised residential occupation of the site and to require the removal of the structures and chattels from the land;  (b) That in the event that the current planning application was refused Enforcement Notices would then be issued ;and  (c) That the Head of Planning and Strategic Housing be authorised to issue the Enforcement Notices and to specify the compliance period(s) prior to

			<p>issue.</p> <p>The planning application was subsequently approved subject to conditions and a legal agreement. The legal agreement has now been signed and the application is due to be issued.</p> <p><b>CASE CLOSED</b></p>
Unit A, Farm Buildings, Farley Lane, Stonesfield	Breach of condition 1 of planning permission 07/1871/P/S73 which restricted the use of the building for the purposes of a welding business for one year only.	Given that this consent was only granted for one year the business has been operating from the site for nearly 10 years without consent and conditions controlling the use(hours of operation, noise etc).In addition to the above in the interim period a small housing estate has been constructed in close proximity to the building.	<p>Once the breach came to light and given the very tight timeframe in respect of the unfettered use becoming lawful, your Officers issued an enforcement notice requiring the use to cease within 6 months of the notice coming into effect.</p> <p>The Enforcement Notice is the subject of an appeal the outcome of which is not known at the time of writing.</p>
The Golden Pheasant, High Street, Burford	Unauthorised ATM and signs	Following refused retrospective applications and dismissed appeals an Enforcement Notice was issued requiring removal of the ATM pod, concrete base and bollards.	The Enforcement Notice requires removal of the unauthorised works by 8 July 2019.
45 High Street, Ascott Under Wychwood	Unauthorised pergola and first floor balcony.	<p>Planning permission for the retrospective works was refused and subsequently dismissed at appeal.</p> <p>A later planning permission was approved for an amended pergola and balcony detail that was considered to address the concerns raised by the Planning Inspector.</p> <p>Despite repeated confirmation from the owner that the amended approved scheme would be implemented in order to address to the breach, the pergola and balcony remains unaltered.</p>	An Enforcement Notice seeking removal of the unauthorised pergola and balcony has been issued with a short compliance period.

**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
The Heyes, Churchill	Unauthorised Storage and processing of logs The Heyes, Churchill	As reported to Members in the last update report the landowner is claiming that the use under investigation has been going on for in excess of 10 years and is therefore lawful. Officers have advised that in order to evidence this claim a CLEUD application needs to be submitted for consideration. No such application has been received to date.	<p>Since the last report to Members in respect of this issue the contravener has made it quite clear that he has no intention of submitting a CLEUD application to seek to evidence a lawful use.</p> <p>Latest contact with the contravener has confirmed that a local agent has been instructed to submit a retrospective planning application in an attempt to regularise the breach.</p>
The Beeches, Old London Road, Chipping Norton	Unauthorised two storey building, car park extension and additional caravans located on the periphery of the site.	Following investigation it has come to light that on one of the plots on The Beeches a two storey building has been constructed, the proposed use of which has not yet been established. In addition Officers have noted that a number of plots on the periphery of the site have additional caravans on them.	As there are likely to be a number of issues relating to the alleged breaches of planning control on the land that are not planning matters, Officers are seeking to liaise with other relevant Services within the Council and possibly other agencies in order to discuss the best way to approach the investigation. Members will recall that they noted at the last meeting that an external specialist has been engaged to progress action on this site following priority action on a similar site in Lowlands.
26 High Street, Ascott under Wychwood	Unauthorised change of use of land from agricultural to garden.	Planning application 16/03240/FUL was submitted in an attempt to regularise the breach. It was refused on the grounds that the extension of the garden curtilage adversely intrudes into and urbanises the open countryside thus failing to conserve and enhance the Cotswolds AONB.	<p>In light of the refusal of planning permission and in the absence of an appeal your officers anticipated that that if the unauthorised change of use was not resolved voluntarily that it would be expedient to issue a Planning Enforcement Notice in respect of the breach.</p> <p>It has however been difficult to date to confirm whether or not the contravener has ceased using the land as garden because of the ability to move goal posts, trampolines etc very easily on to and off of the land. Periodic complaints that the land is still being used as garden are still being received.</p> <p>In light of the above periodic monitoring of the site continues.</p>

I Swan Cottage, Asthall Leigh	Unauthorised outbuilding being used as a residential annexe	In December 2016 the contravener was granted a lawful development certificate for the siting of a mobile home in the garden to be used for ancillary residential use.  Officers received a complaint in February 2017 alleging that a building was being constructed on the land.  Following investigation Officers concluded that the works that were being undertaken on the land constituted a building operation the siting and dimensions of which constituted a breach of planning control.  Planning application ref 17/01277/HHD was approved detailing a flat rather than pitched roof and was approved. A further application to retain the pitched roof was refused.	Following an appeal in respect of the refusal for the unauthorised pitched roof building the Planning Inspector allowed the development.  <b>CASE CLOSED</b>
Burford House 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building	Applications for retrospective works have been received and are under consideration.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	Owner given until time to provide a schedule of works to restore the building. No schedule received. Officers have re-visited the site and consider that no action is justified at this time. Condition of building to be monitored.
New Chalford Farm Chipping Norton	Unauthorised works to barn to create separate residential use	Planning application submitted	Approved as holiday let  <b>CASE CLOSED</b>
Priory Mill, Hook Norton Road Chipping Norton	Unauthorised works to barn to create separate residential use	Planning application submitted and refused.	Subsequently a further planning application was approved for a storage building which has been implemented.  <b>CASE CLOSED</b>
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively	Amended application seeking to address archaeological and landscape issues has been submitted and is still under consideration pending further more extensive archaeological investigations.
Westbury Farm Enstone	Unauthorised access	Retrospective application submitted	Granted.  <b>CASE CLOSED</b>

19 Tilsley Road Chipping Norton	Erection of enclosure and change of use of verge to garden	Advice given to remove or submit retrospective application but no change/application	Next steps under consideration
Bowerham Shipton U Wychwood	Insertion of 7 rooflights l	Application refused but modified application for 4 subsequently approved	7 rooflights remain. Next steps under consideration
Sidings Station Road Kingham	Use of Ag building for non- agricultural purposes	Application submitted and approved	<b>CASE CLOSED</b>
1 Lords Piece Road Chipping Norton	Fence and change of use to garden	No retrospective application received	Next steps under consideration
Spring Cottage Sheep Street Charlbury	Porch and Canopy in CA	Retro application refused	Next steps under consideration
Davenport Close Gt Rollright	Greenhouse in front garden	Retro application refused and the subject of an appeal.	Await appeal decision.
Hemplands Gt Rollright	Unauthorised vehicular access	No application submitted	Next steps under consideration
1 Washington Terrace Middle Barton	Fence and Garden in floodplain	No application submitted	Next steps under consideration
34 Grove Road Bladon	Works not as per approved plans	Members noted retro application was being sought at May 2019 meeting	Agent advises App will be submitted imminently

#### 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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Date: June 2019

#### **Background Papers:**

None