
4F Functions in relation to Planning

Enforcement Functions			
Ref.	Function	Delegated by:	Delegated to:
PE1.	<p>To authorise named officers to enter land under the following provisions:-</p> <p>(a) Section 324 of the Town and Country Planning Act 1990.</p> <p>(b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>(c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>(d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE2.	<p>To serve Requisitions for Information and Planning Contravention Notices under the following enactments:-</p> <p>(a) Section 330 of the Town and Country Planning Act 1990.</p> <p>(b) Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(c) Section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(d) Section 171c of the Town and Country Planning Act 1990.</p>	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE3.	<p>To institute proceedings in the Magistrates' Court for any non-return of the notices referred to above.</p>	Development Control Committee	Head of Legal Services
PE4.	<p>To Serve Breach of Condition Notices.</p>	Development Control Committee	Senior Officer for Planning

Constitution of West Oxfordshire District Council

PE5.	To serve Enforcement Notices.	Development Control Committee	Senior Officer for Planning
PE6.	To serve Notices under section 215 of the Town and Country Planning Act for remedying the condition of land and to undertake consequent legal or direct action in default to secure compliance with the notice and recover expenses reasonably incurred.	Development Control Committee	Senior Officer for Planning
PE7.	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to secure compliance with planning legislation or restrain breaches or anticipated breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services
PE8	In cases of urgency the following matters: Article 4 Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop Notices	Development Control Committee	Senior Officer for Planning
PE9.	Powers of action under Section 225 of the Town and Country Planning Act 1990 relating to fly posting and/or as amended or extended by the Clean Neighbourhoods and Environment Act 2005.	Development Control Committee	Senior Officer for Planning
PE10.	To serve discontinuance notices relating to breaches of Advertisement Regulations.	Development Control Committee	Head of Legal Services
PE11.	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997.	Development Control Committee	Head of Legal Services
PE12.	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager

Constitution of West Oxfordshire District Council

PE13	Institute, defend and withdraw criminal or civil legal proceedings for offences, breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements).	Development Control Committee	Head of Legal Services
PE14.	To determine that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning
PE15	To withdraw Enforcement Notices and Breach of Condition Notices when they have clearly been complied with and it is no longer possible for breaches to occur.	Development Control Committee	Senior Officer for Planning
PE16	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning

Trees			
	Function	Delegated by:	Delegated to:
PT1.	In cases of urgency the making of Tree Preservation Orders.	Development Control Committee	Senior Officer for Planning
PT2.	Authority to confirm unopposed Tree Preservation Orders.	Development Control Committee	Senior Officer for Planning
PT3	<p>Authority to determine:</p> <p>(a) any application to carry out work to a tree(s) subject to a Tree Preservation Order;</p> <p>(b) any notification to carry out work to a tree within a Conservation Area.</p> <p>(Subject, in the case of a refusal recommendation, to prior consultation with the Ward Member(s)).</p>	Development Control Committee	Senior Officer for Planning / Development Manager
PT4	<p>To authorise named officers to enter land under the following provisions:-</p> <p>(a) Section 324 of the Town and Country Planning Act 1990.</p> <p>(b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>(c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>(d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services / Senior Officer for Planning
PT5.	Authority to institute proceedings in the Magistrates' Court in respect of breaches of Tree Preservation Orders and Trees within Conservation Areas and non-compliance with Tree Replacement Notices.	Development Control Committee	Head of Legal Services

Constitution of West Oxfordshire District Council

PT6	To determine Hedgerow Removal Notices and ancillary matters.	Development Control Committee	Senior Officer for Planning / Development Manager
PT7	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997.	Development Control Committee	Head of Legal Services
PT8	To deal with any consultation (subject to there being no objections) by the Forestry Commission under: (a) Felling licence regulations. (b) The Forestry Grant Scheme. (c) Dedication Scheme. or such schemes and regulations as may replace or supplement the above.	Development Control Committee	Senior Officer for Planning / Development Manager
PT9	To determine, following prior consultation with the local Member(s), that no further action is required in respect of a breach of control which could have been dealt with under delegated powers had an application been submitted.	Development Control Committee	Senior Officer for Planning / Development Manager

Development Management

	Function	Delegated by:	Delegated to:
PDM I	To authorise named officers to enter land under the following provisions:- a) Section 324 of the Town and Country Planning Act 1990. b) Sections 196a and 196b of the Town and Country Planning Act 1990. c) Sections 214b and 214c of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services

Constitution of West Oxfordshire District Council

	d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.		
PDM 2	To determine whether the prior approval of the Local Planning Authority is required for development falling within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	Development Control Committee	Development Manager
PDM 3	Authority to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) and to offer screening and scoping opinions.	Development Control Committee	Development Manager
PDM 4	<p>To determine (with or without planning conditions or obligations) all planning applications and applications for Advertisement Consent, Listed Building Consent, Conservation Area Consent (as amended), Certificates of Lawfulness, Time Limit Extensions, Variation of Conditions (S73) or Prior Approval under the General Permitted Development Order under delegated powers, with the following exceptions:-</p> <p>(a) Planning Applications which within 28 days of the date of registration any District Councillor requests (in writing) that it be determined by the Committee/Sub-Committee, stating the planning reasons for such referral.</p> <p>(b) Applications where the intended decision would be a material departure from the provisions of the approved or draft development plan or other approved or adopted Council planning policies or Supplementary Planning Guidance.</p> <p>(c) Applications submitted by or on behalf of the Council or which, in the opinion of a Senior Officer for Planning, affect Council owned land and/or buildings.</p> <p>(d) Applications for floodlight masts exceeding 6m in height when operational and Planning Applications for telecommunications masts (with the exception that additional antennae may be allowed provided that the Government's safety guidelines are met).</p>	Development Control Committee	Senior Officer for Planning / Development Manager

	<p>NB Applications for telecommunication masts under the prior approval process can be determined under delegated powers.</p> <p>(e) Applications submitted by or on behalf of a Member or employee of the Council (or their spouse/partner) or where there may be a similar perceived or actual conflict of interest.</p> <p>(f) Applications which involve the proposed variation or discharge of a section 106 deed that materially differs from the Council’s standard models or departs from the reasons for the original imposition of the obligation.</p> <p>(g) Applications which the Senior Officer for Planning or Development Manager, considers should be referred to the appropriate Area Planning Sub-Committee for determination.</p> <p>(h) Applications where the views of the Town Council or Parish Council are clearly contrary to the proposed recommendation and cannot be resolved by condition or negotiation (with the exception of householder development or advertisement consent, which may continue to be delegated).</p> <p>(i) Applications submitted within one year of a dismissed appeal on the site where it is intended that the application be approved (other than where the approval would reflect the clear views of the Inspector when determining the initial appeal).</p> <p>Notes regarding PDM4:</p> <p>1) The restrictions set out in categories (a) to (i) above shall not apply to applications for a resubmission of an extant valid planning permission or to applications where the principle of the development has already been agreed by a previous permission/consent and the new proposal contains details generally consistent with the earlier permission and planning circumstances have not changed.</p> <p>2) The restrictions set out in categories (a) to (i) above shall not apply to any application seeking Reserved Matters consent where the principles have</p>		
--	---	--	--

Constitution of West Oxfordshire District Council

	<p>previously been agreed and the details are consistent with the criteria set out in the outline permission.</p> <p>3) The determining officer shall only exercise the delegated powers after taking into account all material planning considerations, including any written planning objections or representations which may have been received.</p> <p>4) The determining officer shall only exercise the delegated powers in accordance with planning legislation, regulations and procedures under which provision may be made for reference of applications to the Secretary of State or other statutory body.</p> <p>5) The determining officer shall only exercise the delegated powers following the expiry of the relevant consultation periods (with the proviso that where, because of the submission of the application in relation to the meeting date, it is not possible to deal with an application within the statutory period, then the application shall be referred to the Committee/Sub-Committee in advance of the expiry of the consultation period for Members to determine whether they wish to delegate determination of the application to Officers).</p> <p>6) The Senior Officer for Planning shall report details of all Planning applications determined under delegated powers to Members of the appropriate Area Planning Sub-Committee.</p>		
PDM 5	Where recommendations on a planning application or proposal are not accepted by the Area Planning Sub-Committee, the right to withdraw the application or proposal for final determination by the Development Control Committee.	Development Control Committee	Senior Officer for Planning
PDM 6	Authority to determine that a particular planning application or other matter shall be referred to the Development Control Committee for decision.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 7	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.	Development Control Committee	Senior Officer for Planning or Development Manager

Constitution of West Oxfordshire District Council

PDM 8	To determine discharge of conditions applications, Minor and Non Material Amendments	Development Control Committee	Development Manager/Case Officer
PDM 9	In cases of urgency the following matters: Article 4 Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop notices	Development Control Committee	Senior Officer for Planning
PDM 10	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to restrain breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services
PDM 11	To determine, that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning
PDM 12	Institute, defend and withdraw criminal or civil legal proceedings for offences breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements).	Development Control Committee	Head of Legal Services
PDM 13	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning
PDM 14	To respond to applications for the winning and working of minerals or the use of land for mineral-working deposits (a "County matter" and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward	Development Control Committee	Development Manager

Constitution of West Oxfordshire District Council

	Member, and with the Chair of the Development Control Committee and the Leader of the Council.		
PDM 15	To respond to applications for waste development (a “County matter” and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chair of the Development Control Committee and the Leader of the Council.	Development Control Committee	Development Manager
PDM 16	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager
PDM 17	Authority to submit observations on Traffic Orders to the Highway Authority.	Development Control Committee	Development Manager
PDM 18	To decide whether to decline to determine applications under sections 70a and 70b of the Town and Country Planning Act and sections 81a and 81b of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 19	To determine applications for Permission in Principle and Technical Details Consent.	Development Control Committee	Development Manager
PDM 20	To determine applications where a decision to return the matter to committee would result in the potential for the application fee to be refunded as no extension of time has been agreed.	Development Control Committee	Development Manager
PDM 21	To advertise applications for footpath diversions.	Development Control Committee	Development Manager
PDM 22	To respond to Oxfordshire County Council in respect of Regulation 3 and Regulation 4 proposals.	Development Control Committee	Development Manager

Conservation Areas			
	Function	Delegated by:	Delegated to:
PCI.	With the exception of either the designation of or an amendment to the boundaries of a Conservation Area, to exercise the Council's functions in relation to Conservation Areas.	Executive	Senior Officer for Planning

Neighbourhood Plans			
	Function	Delegated by:	Delegated to:
PNP.	To assess whether or not the Council is satisfied that the qualifying body of a Neighbourhood Development Plan have complied with the criteria in the Neighbourhood Planning (General) Regulations (2012) in order for the Plan to proceed to Regulation 16 Consultation and Examination, and where they have not, publish any decisions requiring further action by the qualifying body in a Decision Statement.	Executive	Head of Planning Services in consultation with the Executive Member responsible for Planning.

NOTES

1. Where under any delegation consultation should be undertaken with the local member this should be i) by e-mail; and ii) for a period of three days and the delegation should only be undertaken after that period has expired and where there is no disagreement between members in multi member wards. No response will be taken as an agreement to the suggested action.
2. Changes to Officer titles, onward delegation and minor drafting changes to ensure that delegations operate at the most appropriate level are authorised without referral back to the Development Control Committee.