



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Uplands Area Planning Sub-Committee: Monday 1 March 2021</b>
Report Number	<b>Agenda Item No. 5</b>
Subject	<b>Progress on Enforcement Cases</b>
Wards affected	As specified in <a href="#">Annex A</a>
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Summary/Purpose	To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations
Annex	<a href="#">Annex A</a> – Schedule of cases (Sections A to C)
Recommendation	That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of <a href="#">Annex A</a> be noted.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No

## **I. BACKGROUND AND MAIN POINTS**

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 271 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 20% of the total caseload.

## **2. FINANCIAL IMPLICATIONS**

- 2.1. There are no financial implications resulting from this report.

## **3. ALTERNATIVE OPTIONS**

- 3.1. Not applicable, as the report is for information.

## **4. BACKGROUND PAPERS**

- 4.1. None

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

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 No.	Unauthorised Development	Notes	Update/Action to be taken
Unicorn Public House, Great Rollright	Listed Building allowed to fall into a state of disrepair	<p>The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.</p> <p>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</p>	<p>At its meeting on 16th December 2020 Cabinet approved a report on a legal agreement to a moratorium period in the potential CPO process subject to the owner delivering against set milestones on repairs and planning applications etc. Estates Officers are working on completion of the agreement and final terms are delegated to the Chief Executive in consultation with relevant Members.</p> <p>Following review with Building Control the owners of the property are due to commence repair works to the rear of the property. Details are being agreed with Conservation Officers.</p> <p>Supporting scaffold across the rear of the building was installed just before Christmas which is providing support to the rear wall and internal corner area. This will also provide a safe working platform to carry out repairs to the rear wall.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		purchase can be secured without the need for formal CPO action.	
The Bull Inn, Sheep Street, Charlbury	Unauthorised external flue and extraction system.	<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 was considered to adversely 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. Members resolved to approve such action and an Enforcement Notice was issued requiring removal of the unauthorised flue.</p>	<p>The Enforcement Notice was the subject of an appeal which was dismissed on 30 October 2018 and the enforcement notice upheld.</p> <p>Listed Building Consent and Planning Permission have subsequently been approved for an alternative extraction unit and flue.</p> <p>However, Covid and lockdown restrictions have delayed the implementation of the approved alternative scheme.</p>
Manor Farm, Great Rollright	Unauthorised storage of 3 caravans on land	The landowner was advised that the storage of caravans on the land is a breach of planning control and that it was considered expedient in this case to proceed to formal Planning enforcement action.	<p>An Enforcement notice was issued requiring cessation of the unauthorised storage use and removal of the 3 caravans. It was not the subject of an appeal and the date for compliance has now expired.</p> <p>2 caravans have been removed from the land at the time of writing and it is anticipated that as a result of ongoing negotiation the third caravan will be removed.</p>
Manor Farm, Great Rollright	Alleged non - compliance with an agricultural tie on the	The house has been let as a holiday let in breach of condition 5 of planning permission 04/1203/P/RM which restricts	In the absence of the submission of either a planning application or lawful development certificate application in an attempt to seek to regularise the breach an Enforcement Notice (Breach of Condition) was issued which was the subject of an appeal to the Planning Inspectorate.

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	farmhouse.	<p>occupancy of the dwelling to a person/persons solely or mainly working in agriculture/forestry.</p> <p>The owner has claimed that through time the holiday let use is lawful. Despite this claim no lawful development certificate has been submitted to seek to evidence the alleged lawful use</p>	<p>Officers have been advised that the appeal has subsequently been withdrawn and as such the enforcement notice has now come into effect.</p> <p>However, Officers understand that a planning application is to be submitted in an attempt to regularise the breach.</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 No.	Unauthorised Development	Notes	Update/Action to be taken
Lower Farm, Witney Lane, Leafield	Unauthorised change of use of land to garden and construction of a hard surfaced tennis court.	Planning permission for the alleged unauthorised development was refused and dismissed at appeal under 15/01884/FUL	Two Enforcement Notices have been served. One for a change of use of land and one for creation of a hard surfaced tennis court. Both notices have been appealed

**SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY**

<b>Site Address and Case No.</b>	<b>Unauthorised Development</b>	<b>Notes</b>	<b>Update/Action to be taken</b>
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 however a planning application for the use has been submitted in an attempt to seek to regularise the use.	The planning application was subsequently withdrawn.  A recent site visit has confirmed that the use of the land for the storage and processing of logs has ceased as the site has largely been cleared.  <b>CLOSE</b>
The Beeches, Old London Road, Chipping Norton	Car park extension. Additional caravans located on the periphery of the site.	Officers have noted that a number of plots on the periphery of the site have additional caravans on them. Further that there is a car park extension to the south east of the site. Whilst Officers do not consider the car park extension to be harmful, the peripheral expansion of the site does result in the site appearing more visually prominent within the AONB.	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.  Officers have recently revisited the site in order to re-assess any harms resulting from the breaches that have been identified and have concluded that in terms of the peripheral expansion that has taken place on some of the plots that further action is required.  Progress on the alleged breaches on this site has been protracted due to the complexity of the issues and the change in working practice/site visit protocols as a result of Covid 19 and associated lockdowns.
26 High Street, Ascott under Wychwood	Unauthorised change of use of land from	Planning application 16/03240/FUL was submitted in an attempt to regularise the breach. It was	In light of the refusal of planning permission and in the absence of an appeal your officers anticipated that if the unauthorised change of use was not resolved voluntarily that it would be expedient to issue a Planning Enforcement Notice in

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	agricultural to garden.	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>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.</p> <p>In light of the above periodic monitoring of the site has been undertaken and a recent site visit has identified that the land in question appears to be being used as a garden. Also it has been noted that the adjoining property appears to have extended its garden.</p> <p>The extended garden uses do not appear to result in 'material' harm to the rural character and appearance of the area. However, to ensure that 'permitted development' rights are not established which could result in visually intrusive outbuildings your officers are of the opinion that retrospective applications need to be sought in order to impose conditions restricting those rights.</p>
Burford House 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building	<p>Applications for part retrospective works have been approved under 19/01293/FUL and 19/01294/LBC.</p> <p>A recent site visit has confirmed that the above noted permissions do not appear to have been implemented in order to address the breach of planning control. Your Officers have contacted the manager of the premises to ascertain when the works will be carried out.</p>
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	<p>Six months ago Officers reported to Members that over the preceding six month period the owner of the property had had repair and maintenance work carried out to the roof of the cottage and has confirmed that there has been no spread of the thatched roof on the outbuilding in the garden.</p> <p>The Condition of the building is being monitored by officers and a site visit by the Council's architect to re- assess the issue of 'spread' of the thatched roof on the listed outbuilding has taken place.</p> <p>Your Officers have been advised that repair and maintenance work to the outbuilding will commence in the spring.</p>
Track at Tracey	Unauthorised	Planning permission refused	Amended application seeking to address archaeological and landscape issues has

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Lane Great Tew	track created	retrospectively	<p>been approved under reference 18/02236/FUL.</p> <p>A site visit some six months ago confirmed that the landscaping and surface finish of the track did not accord with the planning permission that has been granted.</p> <p>Since the last update to Members a further planning application has been submitted which is presently under consideration. At the time of writing it is anticipated that this application will be refused and in light of the non- implementation of 18/02236/FUL the expediency of taking formal action to seek to remedy the breach will be the next consideration.</p>
Enstone Airfield	<p><b>Ownership A</b></p> <p>2xUnauthorised buildings in commercial use</p> <p>Use of compound as a lorry park and for the siting of residential caravans</p> <p>Scaffolding</p> <p>Business, porta loo hire business and storage of containers</p> <p>Unauthorised storage of waste material( a County Council and Environment Agency issue)</p> <p><b>Ownership B</b></p>	<p>Since the September 2020 update to Members a comprehensive review of the northern side of the airfield has been undertaken by your officers.</p> <p>The breaches that have been identified are listed in the left hand column.</p> <p>The next steps in respect of the breaches are listed in the right hand column.</p>	<p>Members will note that there are a number of alleged breaches in respect of various interests.</p> <p>Your officers anticipate that a number of the breaches that have been identified maybe progressed by the submission of either retrospective planning applications where conditions can be imposed where necessary or lawful development certificate applications.</p> <p>However, a number of breaches that have come to light appear at the time of writing to have either policy objections or are considered by officers to result in visual harm to the character and appearance of the area.</p> <p>Your officers have advised the relevant interests of the alleged breaches and will be engaging with them and agents acting on their behalf over the coming months in order to progress matters.</p>



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	<p>Erection of a run of 7 hangars</p> <p>Erection of a hangar north of the grass airstrip</p> <p>Extension to an existing hangar</p> <p>Removal of the landscaping to the rear of hangars/buildings to the north of the north eastern end of Green Lane and engineering operations and provision of hard standings to create car parking areas.</p> <p>Breach of flying hours in respect of the grass airstrip.</p> <p><b>Shooting School</b></p> <p>Alleged expansion of shooting area without complying with</p>		

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	noise bund construction.		
Castle Corner, Church Street, Wootton	Non compliance with condition 3 of planning permission 478/83	<p>Condition 3 precludes the garage accommodation attached to the property being adapted for living purposes.</p> <p>Under 19/00110/HHD planning permission was recently refused for conversion of the garage on the grounds that given the geometry of the road and the lack of appropriate street parking spaces it would be detrimental to the safety and convenience of highway users.</p>	<p>On the basis of evidence gathered to date it appears that the garage has been adapted for use as a utility, storage and garage to serve Castle Corner. It has a linoleum floor; a wall hung radiator, kitchen units and a sink and worktop.</p> <p>Notwithstanding the alleged breach of condition attached to 478/83 it has come to light in considering the expediency of progressing to formal enforcement action that more research into the planning history of the site needs to be undertaken to ensure that the breach has been correctly identified.</p>
The Thatched Cottage, The Slade, Charlbury	Replacement fence	The landowner is of the opinion that the replacement fence is 'like for like' in terms of its alignment, materials and height.	<p>Officers have taken the view that the fence is not a 'like for like' and as such needs planning permission.</p> <p>At the time of writing your officers are in discussion with the owner about potential modifications to the fence in the interests of the setting of the listed cottage and the character and appearance of the Conservation Area,</p>
Wychwood Grange, Fordwells	Alleged unauthorised material change of use from two dwellings to a single 'party house'	The site formerly consisted of two dwellings which are now occupied as a single unit accommodating up to 30 people	At the time of writing the breach has ceased and the property is on the market. The site will be monitored.
Doggetts House, Churchfields, Stonesfield	Non- compliance with planning conditions	OCC Highways has advised that in this instance on-site parking should be provided in accordance with	Since the last update a planning application has been submitted in an attempt to address the issue of on-site parking provision.

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	attached to 11/1252/P/FP which relate to access, parking and a turning area that has not been installed.	the planning conditions for highway safety reasons.	
Land adjoining The Old Quarry, Ledwell Road Great Tew Oxon	Alleged change of use of land to motocross. Construction of motocross track	This is a recent complaint for which no planning permission has been granted. The site is located within the open countryside abutting a right of way and in close proximity to a residential use.	Your Officers have been in discussions with the contravener and have been advised that the track will be removed by the end of March.
Annexe at Bondeni, Station Road, Kingham	Use of annex as a separate dwelling/sub division of plot	A CLEUD application has recently been refused for a separate dwelling	The intimate relationship of the annex with the main house results in a poor level of amenity for both properties.  In light of this the expediency of taking formal action to seek to remedy the breach is under consideration at the time of writing.
Southfield House, Sandford-St-Martin	Alleged unauthorised ground works and installation of tennis court		A planning application has been submitted in an attempt to regularise the breach which is presently under consideration.
Barwood Homes, Tackley	Unauthorised footpath construction	It appears that the ground levels of the footpath construction are at variance with the approved levels.	The resultant footpath that runs through and across the site is very elevated and appears as a visually prominent feature.  In light of the above the expediency of taking formal action to seek to remedy the breach is under consideration at the time of writing.
41 Manor Road, Bladon	Alleged non-compliance with 18/02054/FUL-land levels lower than approved and non-	At the time of writing this matter is still under initial investigation.	Members will be updated verbally on progress at the Sub Committee meeting of the 1 March.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	compliance with CTMP (Condition 18)		