



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 15 March 2021
Report Number	Agenda Item No. 5
Subject	Progress on Enforcement Cases
Wards affected	As specified in Annex A
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Summary/Purpose	To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations
Annex	Annex 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 Annex 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 7](#)).
- 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	Unauthorised Development	Notes	Update/Action to be taken
Land adjacent to Waterworks Cottage, Worsham	Large outbuilding used for storage erected without planning permission	<p>The building had been in situ for some time and is very prominently located away from other buildings. Despite advice from your Officers that the building needs planning permission and cannot be supported on its planning merits the building had not been removed voluntarily.</p> <p>An Enforcement Notice was subsequently issued on 2 October 2019 requiring removal of the building from the land within two months of the EN becoming effective. Removal required by 2 December 2019.</p>	EN complied with. CLOSE
27 Cherry Tree Way	Unauthorised storage of materials relating to the occupiers business.	<p>EN 565 was issued in April 2016 requiring removal of the items relating to the occupiers business.</p> <p>The EN was complied with and the case closed.</p>	EN has not been complied with. The next step is to consider the expediency of formal legal action to secure compliance with the notice.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
		<p>Investigation in to a recent complaint has confirmed that the unauthorised materials are being stored on the land.</p> <p>A further EN was issued in order to address storage on an area of land not included in the original notice on 18 March 2020.</p>	
31 Woodley Green, Witney	A material change of use of the land from C3 residential use to Sui Generis Large HMO (house in multiple occupation).	EN issued on 17 June 2020 requiring permanent cessation of the use as a large HMO within 30 days of the notice coming into effect, that being 15 August 2020.	The owner of the property has advised your Officers that the EN has been complied with and has invited Officers to visit the property unannounced to check for compliance. It has not yet been possible to do an internal site visit to confirm compliance due to Covid site visit protocols.
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received.	<p>Enforcement Notice issued requiring removal of stored items.</p> <p>Site visit has confirmed that the EN has not been complied with and is now effective. The next step is to consider the expediency of formal legal action to secure compliance with the notice.</p>

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Reynolds Farm, Cassington	Unauthorised works and change of use of outbuildings to residential use without the requisite consents. Reynolds Farmhouse is a recently listed building (Grade II)	Retrospective applications were submitted in an attempt to regularise the unauthorised developments.	Planning permission has been granted for the retrospective works to the outbuilding located adjacent to St Peters Church. An Enforcement Notice was issued in respect of unauthorised works to the barn located to the west of the main farmhouse. An enforcement appeal was dismissed and the EN upheld with corrections requiring the removal of two front porch extensions and lowering the eaves and ridge height of the building by 6 th July 2020. A site visit confirmed that the corrected EN had not been complied with. Following the commencement of legal proceedings the contravener has agreed to comply with the notice by the end of the year.

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
Land at Mount Pleasant Farm, Northmoor	Unauthorised storage use. Unauthorised residential caravan Construction of a motocross track and use of the land for motocross.	Two Enforcement Notices were issued in respect of the identified breaches (storage use and unauthorised residential caravan) Both were subject of appeals. A further breach on the land has recently occurred that being the construction of a motocross track. The EN appeal in respect of the residential use was dismissed by the Inspectorate and the EN upheld. The cessation of the	In respect of the storage use and the recently constructed motocross track on the land two further enforcement notices have been issued which seek to address the Inspectors comments in terms of the quashed notice. These notices are now the subject of appeals to the Inspectorate. In terms of the residential caravan that has been sited elsewhere on the land Officers have been advised that the residential use has ceased. The removal of the mobile home from the land will be considered as part of the Enforcement Notice Appeal relating to use of the land for unauthorised storage purposes.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		<p>residential use and removal of the caravan from the land was required by 20 July 2020.A site visit confirmed that the EN in respect of the residential use has been complied with simply by relocating the caravan elsewhere on the land.</p> <p>Following an appeal the EN in respect of the storage use was quashed on the grounds that the Inspector considered that the notice failed to identify the breach in the terms required under S173(1) and (2) and that the EN could not be varied or corrected without prejudice.</p>	
4 Chimney Farm Cottages, Chimney	Unauthorised hardstanding and building/office not considered incidental to residential use.	<p>One Enforcement Notice has been issued to date in respect of an alleged material change of use from residential to a mixed residential/commercial use as a builder's depot. This EN was the subject of an appeal to the Planning Inspectorate. This notice has been complied with.</p> <p>At the Lowlands Sub Committee in February 2020 Members resolved to issue a further EN in respect of the unauthorised hardstanding and building/office.</p>	Notwithstanding the resolution to issue a further enforcement notice in respect of the unauthorised hardstanding and building/office, the building and some of the hardstanding has been removed voluntarily without the need to issue an enforcement notice. CLOSE

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
<p>The Paddocks, The Weald, Bampton</p>	<p>Breaches of conditions attached to planning permissions for the individual plots on the gypsy site.</p> <p>Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.</p>	<p>At the end of 2018 a team of officers visited the site and personally served Planning Contravention Notices on all of the caravans on all of the plots in order to ascertain who is occupying the caravans together with information about their personal circumstances in order to gain an understanding of any human rights issues.</p> <p>Given the complexity and time required to progress this case a specialist lawyer was instructed to guide your Officers on this matter.</p> <p>In light of the legal advice received further Planning Contravention Notices requesting detailed information about the circumstances of the occupants of the individual caravans on each of the plots were issued on 13 June 2019.It was considered that this information would help inform the next steps in respect of the planning breaches on the land.</p> <p>Whilst the response rates were good in respect of a number of</p>	<p>Since the last update to Members planning permission has been granted for a maximum of 6 caravans in respect of plots 1 and 2.</p> <p>In addition a detailed report to note in respect of the current position at the Paddocks was presented to the Lowlands Area Planning Sub Committee in December at the request of the Chairman.</p> <p>There is presently a multi -agency approach being taken to the issues arising at The Paddocks. The leading agencies have confirmed that they will visit the site in order to assess the up to date situation on the plots as soon as they are able .Site visits are precluded at the time of writing due to Covid and lockdown protocols.</p> <p>Officers have been advised that 2 further planning applications for a reduced number of caravans on two further plots are likely to be submitted in an attempt to seek to regularise the planning breaches on the plots.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		<p>the plots they were not consistently good across the site as a whole.</p>	
<p>Land to the north of Mead View, Cassington Road, Eynsham</p>	<p>Unauthorised use of the land for the storage of builders materials, the siting of metal containers and parking of vehicles in association with a stone masonry business</p>	<p>This site is located within the Green Belt and the floodplain.</p> <p>Historically the contravener has submitted a CLEUD application for storage of non - agricultural materials which was refused and a planning application for a limited amount of storage associated with the contravener's stone masonry business on the land which was withdrawn prior to determination.</p> <p>A recent site visit has confirmed that there is still storage of non-agriculturally related items on the land including stone, scaffolding and general plant and tools associated with the stone masonry business. A number of metal containers are also located on the land which it is claimed have been on the land since 2007/8. A large porta cabin that was on site has been removed.</p>	<p>At the time of writing your Officers are considering given the evidenced history of some storage on the land whether a planning application for a limited area of storage use can be supported. An earlier planning application for a limited storage area was withdrawn by the contravener. Officers are of the opinion that in light of the history of limited storage on the site that this approach to dealing with the breach has some merit and as such will encourage the contravener to resubmit a planning application.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Lower Haddon Farm, Bampton	Unauthorised residential caravan	Unfettered residential uses in the open countryside are unlikely to be acceptable on the planning merits unless there is an operational/ functional need that cannot be met in any other way	An application for a Lawful Development Certificate has been received which is presently under consideration. The issues arising from consideration of the application are complex and require further investigation.
Home Farm, Barnard Gate	Unauthorised use of the land for residential caravans	The site is authorised for a maximum of 5 pitches for occupation by gypsy families. As a result of this enforcement investigation planning permission was granted under 19/01839/S73 for an additional pitch taking it to a maximum of 6 pitches.	<p>Since the last update to Members in September the number of vehicles and caravans stored on the land has reduced. However, it would appear that there may be further residential caravans on the land where previously a large number of vehicles and caravans were being stored.</p> <p>In light of the above and given the inability at this time for officers to visit the site, the owner has been contacted in writing in order that Officers can establish how the land is being used.</p>
Land at Thorney Leys	Non -compliance with the approved landscaping scheme	A site visit confirmed breaches of the approved scheme	Since the September update significant progress has been made in respect of compliance with the approved landscaping scheme. At the time of writing however there are still areas that require further work and officers are seeking to progress the full implementation of the approved landscaping scheme across the site working with the relevant interests of which there are more than one
Weald Manor Farm, Bampton	<p>Works not in accordance with the approved plans(15/02150/FUL) for the range of buildings to the rear of the site;</p> <p>Unauthorised outbuilding and extension of curtilage:</p>	<p>The contravener and his agent have been in discussions with your Officers regarding how to progress the breaches.</p> <p>However, other than the regularisation of the extensions to the dwelling that fronts onto Weald Street there has been no progress on the breaches alleged/cited in column two of this table despite advice that has been given albeit some time ago.</p>	In light of the lack of progress on these outstanding breaches Officers have contacted the landowner reminding him of the need to seek to address the issues that have been raised if consideration of formal enforcement action is to be avoided.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	Unauthorised conversion and change of use of barn to a dwelling.		
50 Richens Drive, Carterton	Unauthorised porch extension	Retrospective planning application 17/03250/HHD was refused and dismissed at appeal. A further planning application for an amended porch was refused under ref 20/00016/HHD. This is now the subject of an appeal.	An Enforcement Notice has been issued in respect of the porch which is the subject of an appeal.
Crawley Inn, Crawley	Unauthorised residential caravans	It would appear from recent site visit that there are caravans located on land behind the car park serving the pub.	A PCN is to be issued in order to gather information about the alleged breach in terms of time frames and occupation.
17 Ashcombe Close, Witney	Unauthorised enclosure of the front garden	The front garden is enclosed by a wall greater than a metre in height	In visual terms the unauthorised wall is considered harm the visual character and appearance of the area. In light of the harm that Officers have identified the expediency of taking formal action to remedy the breach is presently under consideration.
Lane End House, Filkins	Unauthorised change of use of land to garden and the erection of outbuildings	This site is on the edge of the village and within the Conservation Area.	A planning application has been submitted in an attempt to regularise the breach. The application will be referred to the Sub Committee for consideration.
Lavendar Cottage, Minster Lovell	Non-compliance with conditions attached to 17/03978/HHD- Creation of hardstanding for car parking.	Hardstanding has been constructed without discharging details in respect of the following: Access construction details and hard and soft landscaping scheme not approved	Ongoing discussions are taking place between officers and the contravener's agent regarding alternative hard and soft landscaping details.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
34 Woodford Mill, Witney	Unauthorised replacement windows	Planning application to retain was refused and an appeal subsequently dismissed.	A meeting has been arranged on site to discuss an acceptable alternative window design to that which has been dismissed at appeal between your Officers and the contravener. In light of the appeal and having regard to the time frames for taking formal enforcement action failure to resolve the matter expeditiously may result in consideration being given to the need for formal action.
Little Willow, Eynsham	Alleged unauthorised hardstanding and extension of the site onto adjoining land.	The contravener has met on site with Officers claiming that there is no breach.	Officers consider that the development that has taken place on the land is a breach of planning control which is harmful in planning terms. The next step is to consider the expediency of taking formal enforcement action by way of the issue of an Enforcement Notice in order to address the harms.