



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 6 December 2021
Report Number	Agenda Item No. 5
Subject	Progress on Enforcement Cases
Wards affected	As specified in Annex A
Accountable officer	Phil Shaw, Business Manager, Development Management Email: phil.shaw@publicagroup.uk
Author	Kim Smith, Principal Planner (Enforcement) Tel: 01993 861676 Email: kim.smith@westoxon.gov.uk
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	No
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 324 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
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> <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> <p>EN was not complied with</p>	Injunction has been granted which has given 21 days from service of the Order for compliance with the EN. A site visit will be undertaken to confirm compliance.
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.	EN complied with. CLOSE

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	PCN issued and no response received. EN not complied with.	The next step is to consider the expediency of formal legal action to secure compliance with the notice.
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 11)	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	Two Enforcement Notices were issued in respect of the identified breaches (storage use and unauthorised residential caravan) Both were subject of appeals.	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

	<p>and use of the land for motocross.</p>	<p>A further breach on the land has recently occurred that being the construction of a motocross track.</p> <p>The EN appeal in respect of the residential use was dismissed by the Inspectorate and the EN upheld. The cessation of the 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>	<p>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.</p> <p>A Public Inquiry in respect of the EN Appeals took place earlier this year. Awaiting the outcome of the EN Appeals</p>
--	---	--	--

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 the plots they were not</p>	<p>There is presently a multi -agency approach being taken to the issues arising at The Paddocks being led by the Councils ERS team. The site has been visited on a regular basis in order to assess the number of caravans on the plots, who is occupying the vans and any health and safety issues arising.</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. Not yet implemented.</p> <p>At the time of writing an application has been submitted in respect of plot 12 (seeking permission for 9 gypsy caravans) and it is anticipated that an application will be submitted for plot 4. The merits of the planning application in respect of plot 12 are still under consideration at the time of writing.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		consistently good across the site as a whole.	
Land to the north of Mead View, Cassington Road, Eynsham	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	This site is located within the Green Belt and the floodplain. A site visit in early 2021 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.	Following a recent meeting on site with the landowner and his agent it is anticipated that a CLEUD application is to be submitted in an attempt to regularise the use.
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	Following investigation it is considered that the development is lawful. CLOSE
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	When last reported Members were advised that 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. The extent of the storage use and possible occupation of additional caravans is considered by Officers harmful in planning terms.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		for an additional pitch taking it to a maximum of 6 pitches.	<p>The landowner has not responded to your Officers request to meet on site in order to discuss the alleged breach.</p> <p>In light of the above the next step is consider the expediency of taking formal enforcement action.</p>
Land at Thorney Leys	Non -compliance with the approved landscaping scheme	A site visit confirmed breaches of the approved scheme	<p>Since March 2021 progress has been made in terms of securing landscaping and planting maintenance on the areas of land relating to Sovereign Housing. However, the planting on land outside of the control of SH has failed and the site looks unkempt.</p> <p>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</p>
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>Unauthorised conversion and change of use of barn to a dwelling.</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>	No progress has been made in respect of regularising the remaining breaches of control at Weald Manor Farm. In light of this and given planning harms identified by Officers, the expediency of taking formal planning enforcement action is under consideration at the time of writing.
50 Richens Drive, Carterton	Unauthorised porch extension	Retrospective planning application 17/03250/HHD was refused and dismissed at appeal.	EN complied with. CLOSE

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		<p>A further planning application for an amended porch was refused under ref 20/00016/HHD. This is now the subject of an appeal.</p> <p>EN issued in light of the failed appeals.</p>	
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.	The landowner is claiming a lawful use in respect of the siting of residential caravans on the land. To date no CLEUD application has been received.
17 Ashcombe Close, Witney	Unauthorised enclosure of the front garden	The front garden is enclosed by a wall greater than a metre in height	<p>In visual terms the unauthorised wall is considered harm the visual character and appearance of the area.</p> <p>Following discussions with the land owner the wall is to be modified within 'permitted development' parameters by the end of the year.</p>
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.	<p>Planning permission has been granted and attached conditions discharged.</p> <p>CLOSE</p>
Lavendar Cottage, Minster Lovell	<p>Non-compliance with conditions attached to 17/03978/HHD- Creation of hardstanding for car parking.</p> <p>Siting of wooden outbuilding within car parking area.</p>	<p>Hardstanding has been constructed without discharging details in respect of the following:</p> <p>Access construction details and hard and soft landscaping scheme not approved</p> <p>Wooden building located on the parking area has not been approved.</p>	This matter has become somewhat protracted in light of staff changes that have taken place within the Service. A new Officer has been assigned this case who will be progressing the matter as expeditiously as possible.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
34 Woodford Mill, Witney	Unauthorised replacement windows	<p>Planning application to retain was refused and an appeal subsequently dismissed.</p> <p>EN issued and appealed. Appeal subsequently withdrawn.</p>	Compliance with the EN extended to June 2022.
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.	An EN was issued earlier this year in respect of the hardstanding but was subsequently withdrawn for technical reasons. The next step is to consider the expediency of taking formal enforcement action by way of the issue of a further Enforcement Notice in order to address the planning harms identified by Officers.
Land South of Main Road, Curbridge	<p>Unauthorised change of use of land from agriculture to storage of builders/waste materials.</p> <p>Unauthorised hard standings.</p>	<p>The landowner is claiming that the use of the land for storage purposes is lawful.</p> <p>No CLEUD has been submitted in an attempt to evidence the claim.</p> <p>Officers do not consider that the extent of storage on the land is lawful.</p>	At the time of given what Officers consider to be planning harms associated with the storage use, the expediency of taking formal planning enforcement action is under consideration.
66 Corn Street, Witney	Unauthorised outbuilding	Planning permission was refused for the retrospective building under 21/02061/FUL	In light of the refusal of planning permission the expediency of taking formal enforcement action is under consideration at the time of writing.