



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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Name and date of Committee	<b>Uplands Area Planning Sub-Committee: Monday 13 December 2021</b>
Report Number	<b>Agenda Item No. 6</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 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 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>Report to Cabinet in November 2018 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>Estates commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action.</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 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
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 were subsequently approved for an alternative extraction unit and flue which has been implemented.</p> <p><b>CLOSE</b></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 and one remains in situ. Whilst this is clearly a breach of the full requirements of the notice the planning harm has been significantly reduced such that at this time it is not considered expedient to pursue compliance through the Courts.</p> <p>The Enforcement notice runs with the land and Officers will continue to liaise with those who have an interest in the land to secure removal of the remaining caravan voluntarily.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Manor Farm, Great Rollright	Alleged non - compliance with an agricultural tie on the farmhouse.	<p>The house has been let as a holiday let in breach of condition 5 of planning permission 04/1203/P/RM which restricts 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>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.</p> <p>The appeal was subsequently withdrawn and the Enforcement Notice has come into effect.</p> <p>At the time of writing there is no evidence that the farmhouse is being actively used as a holiday let.</p>
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	<p>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 were appealed.</p> <p>Both appeals were dismissed and the Enforcement Notices upheld.</p> <p>A site visit will be carried out prior to 13 December in order to confirm compliance or otherwise with the Enforcement Notices. A verbal update will 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 No.	Unauthorised Development	Notes	Update/Action to be taken
No cases are presently listed within this category.			

No cases are presently listed within this category.

**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
The Beeches, Old London Road, Chipping Norton	<p>Car park extension. Additional caravans located on the periphery of the site.</p> <p>Extension of the site to the south of the site access.</p>	<p>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.</p>	<p>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.</p> <p>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.</p> <p>As Members were advised in March 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. In addition progressing the issues surrounding the breaches on the caravan park require hours of Officer input across various of the councils services and in order to be effective may require additional resources.</p> <p>In respect of an unauthorised extension of the site onto land to the south of the existing access a retrospective application was submitted and planning permission has been recently granted for occupation of the land by a gypsy family.</p>
26 High Street, Ascott under Wychwood	<p>Unauthorised change of use of land from agricultural to garden.</p>	<p>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>	<p>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 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</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			<p>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> <p>A planning application has been invited.</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 site visit will be carried out prior to 13 December to determine whether or not the approved works have been implemented. A verbal update will be given at the meeting.</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 barn has been 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 was carried out earlier this year.</p> <p>Your Conservation Officer has been in correspondence with the property owner and advised that a Master Thatcher will attend the property at the end of this year and repair on a like for like basis.</p>
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively	<p>Amended application seeking to address archaeological and landscape issues was 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>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			A further planning application was submitted with some variances to the conditions attached to 18/02236/FUL..This application was recently approved and the applicants intend implementing the permission expeditiously in order to address the present breach.
Enstone Airfield	<p><b>Ownership A</b></p> <p>2xUnauthorised buildings in commercial use</p> <p><b>CLOSE</b></p> <p>Use of compound as a lorry park and for the siting of residential caravans</p> <p>Scaffolding 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>Erection of a run of 7 hangars</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>Members will note that there are a number of alleged breaches in respect of various interests.</p> <p><b>Since the March update the following matters have been regularised through the submission of retrospective planning applications. These are as follows:</b></p> <p><b>Ownership A-</b> 2 buildings in commercial use- 21/01445/FUL</p> <p>Storage of waste material- Application submitted to OCC for a temporary use of the land for the storage and sorting of waste.</p> <p><b>Ownership C-</b>Erection of hangar north of the grass airstrip- 21/01303/FUL</p> <p><b>Ownership B-</b> Provision of car park to the North side of maintenance hangar accessed from 'Green Lane' part retrospective- 21/02022/FUL</p> <p>Extension of existing aircraft maintenance hangar to form 'lean to' hangar for indoor aircraft maintenance. (Retrospective)- 21/00879/FUL</p> <p>It is claimed that the run of 7 hangars is lawful.</p> <p>In terms of the alleged breach of flying hours there is no 'material' evidence that the planning condition that relates to aircraft movements across the airfield is being breached. The condition allows for up to 200 movements per day with no more than 40 of the movements taking place in any one hour. Your Officers when visiting the airfield for various reasons monitor aircraft movements. During the last visit Officers noted that within a one and a half hour period whilst on site, there were 2 movements, one take off and one landing. At an earlier date in October when on site for approximately 50 minutes 1 movement was noted. There have never been more than 5 movements per hour noted by officers which falls far short of the 40 movements per hour approved.</p>



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	<p>Extension to an existing hangar</p> <p><b>CLOSE</b></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><b>CLOSE</b></p> <p>Breach of flying hours in respect of the grass airstrip.</p> <p><b>CLOSE</b></p> <p><b>Ownership C</b></p> <p>Erection of a hangar north of the grass airstrip</p> <p><b>CLOSE</b></p> <p><b>Shooting School</b></p>		

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	Alleged expansion of shooting area without complying with noise bund construction.		
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.	Officers have taken the view that the fence is not a 'like for like' and as such needs planning permission.  Since the March update planning permission has been granted and the fence has been realigned in accordance with the approval. Breach has ceased . <b>CLOSE</b>
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 this matter is still under consideration. Whether or not there is a breach of planning control is complicated and based on how the property is let in terms of occupiers, the frequency of lets, how frequently the property is serviced and a number of other factors including context.  Ordinarily the creation of one dwelling by way of internal alterations from two dwellings is not development.  What we need to establish is whether or not there is a 'material' change of use from a C3 dwelling house to a sui generis use.  Officers are considering case law in order to determine whether or not in this case there is such a change of use.
Doggetts House, Churchfields, Stonesfield	Non- compliance with planning conditions attached to 11/1252/P/FP which relate to access, parking	OCC Highways has advised that in this instance on-site parking should be provided in accordance with the planning conditions for highway safety reasons.	Planning permission granted for demolition of an existing stone boundary wall and formation of a new vehicular access together with the construction of entrance gates and new walling. Works to be implemented within six months of 1 September 2021.

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	and a turning area that has not been installed.		
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.	A site visit will be carried out before 13 December in order to determine whether or not the breach has ceased in accordance with landowners advice earlier this year that the track would be removed from the land. A verbal update will be given at the meeting
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 CLEUD application was subsequently dismissed at appeal.  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		Planning permission granted under 20/01958/FUL. <b>CLOSE</b>
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.  Officers are in the process of negotiating an amended landscape scheme in order to ameliorate the impact of the footpath as it runs through the site.
41 Manor Road, Bladon	Alleged non-compliance with 18/02054/FUL-land levels lower than approved		Planning permission granted to allow lowering of ground levels under 21/00305/S73. <b>CLOSE</b>
Diddly Squat Farm, Chipping Norton Road, Chadlington	Various alleged breaches of conditions attached to planning permissions.		At the time of writing Officers are in discussions with the agent acting for the landowner in respect of the alleged breaches. A Planning Contravention Notice has been issued in order to obtain information about goods that are being sold from the farm shop which are limited by planning condition.

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West End Farm, Chipping Norton	Unauthorised hard standing		The use of the unauthorised hardstanding for the parking of vehicles/storage etc is considered to potentially harm the setting of Bliss Mill. In light of this the expediency of taking formal enforcement action is under consideration at the time of writing