



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 10 October 2022
Report Number	Agenda Item No. 6
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 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 280 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 12% 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, Witney	Unauthorised storage of materials relating to the occupier's business.	<p>EN 565 was served in 2016 requiring removal of items relating to the occupier's business.</p> <p>The EN was complied with and the case closed.</p> <p>Unauthorised storage recommenced in around 2019 and the Council served a further EN in March 2020 to cover storage on an area of land not included in the original notice.</p> <p>EN was not complied with and so an injunction was sought and granted.</p>	Substantial compliance with the Order has been achieved. Case will be closed.
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 what further steps would be expedient to secure compliance with the notice. Officers are arranging for a meeting with the Counter-fraud team.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Reynolds Farm, Cassington (also known as Dove House)	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 development. 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. Following the commencement of legal proceedings the contravener was given a further 12 months to comply with the notice which he failed to do.	The case has been transferred to the Council's Counter-fraud team and will shortly be listed for a hearing at Oxford Magistrates Court.

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 (or where it has passed and the notice has been complied with).

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
17 Ashcombe Close, Witney	Unauthorised enclosure of the front garden	The front garden is enclosed by a wall greater than a metre in height. The unauthorised wall is	Attempts to negotiate with the land owner failed and the Council served an enforcement notice in February this year. This was appealed and the

		considered harm the visual character and appearance of the area.	appeal was dismissed at the end of August. The contravener has 4 months (until the end of December) to remove the works.
Home Farm, Barnard Gate	Unauthorised storage		The Council served an enforcement notice in May this year which requires cessation of the use of the land for storage and repair of vehicles and mobile homes. This is now the subject of an appeal.
Land at Thorney Leys	Non -compliance with the approved landscaping scheme under 16/02718/CND (15/00647/FUL)	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.	A breach of condition notice was served in July giving a compliance period of 150 days in which to carry out the approved landscaping scheme.
Weald Manor Farm, Bampton	Works not in accordance with the approved plans (15/02150/FUL) for the range of buildings to the rear of the site. Unauthorised outbuilding and extension of curtilage. Unauthorised conversion and change of use of barn to a dwelling.		The Council served three enforcement notices in respect of these breaches in May. No notice of appeal has been received and so they will have come into effect in June. They require action to be taken by mid-October (demolition of garage), and December (reinstatement of barn and compliance with approved plans).

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 has claimed that the use of the land for storage purposes is lawful, but no application for an LDC has been submitted in an attempt to substantiate the claim.</p>	<p>Enforcement notices were served in February of this year. They are the subject of an appeal and an inquiry in November has been scheduled.</p>
66 Corn Street, Witney	<p>Unauthorised outbuilding in the curtilage of a listed building and in the conservation area.</p>	<p>Planning permission was refused for the retrospective building under 21/02061/FUL</p>	<p>The Council served an enforcement notice in June. This is currently the subject of an appeal.</p>
Land at Mount Pleasant Farm, Northmoor	<p>Unauthorised storage use.</p> <p>Unauthorised residential caravan</p> <p>Construction of a motocross track and use of the land for motocross.</p>	<p>Enforcement Notices in respect of these breaches were served in</p> <p>An appeal was made and a public inquiry held, following which PINS dismissed the appeals. The deadline for compliance with the EN was July.</p>	<p>A recent inspection from adjoining land appeared to show that a large proportion of the unlawful stored items were no longer in situ. A formal site visit will be arranged with the occupier within the next few weeks to confirm this and also to inspect the area of the motocross track.</p>
34 Woodford Mill, Witney	<p>Unauthorised replacement windows</p>	<p>Planning application to retain the windows was refused and an appeal subsequently dismissed.</p> <p>EN issued and appealed. Appeal subsequently withdrawn.</p>	<p>On a recent site visit Officers considered substantial compliance to have been achieved. Case closed.</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
The Paddocks, The Weald, Bampton	Breaches of conditions attached to planning permissions for the individual plots on the gypsy site. Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.		<p>There remain breaches of planning control on a number of plots within the established site area of The Paddocks.</p> <p>There remains a multi-agency approach being taken to the Paddocks which is being led by the Council's ERS team. ERS officers have been visiting 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>At the time of writing an application has been submitted in respect of plot 12 (seeking permission for 9 gypsy caravans). The merits of the planning application in respect of plot 12 are still under consideration at the time of writing.</p>
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 flood plain.	The landowner and his agent were considering submitting an application for an LDC in relation to the storage use. Officers are of the view that this would not be successful and are now considering the expediency of enforcement action.
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.
Lavender Cottage, Minster Lovell	Non-compliance with conditions attached to 17/03978/HHD-	Hardstanding has been constructed without discharging details in respect of access	The owners have been given opportunity to rectify the breaches but have failed to do so. Officers are now considering the expediency of enforcement action.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	<p>creation of hardstanding for car parking.</p> <p>Siting of wooden outbuilding within car parking area.</p>	<p>construction details and hard and soft landscaping scheme.</p> <p>Wooden bin storage has been placed on the parking area in breach of condition.</p>	
<p>Little Willow, Eynsham</p>	<p>Alleged unauthorised hardstanding and extension of the site onto adjoining land.</p> <p>Breach of condition relating to numbers of residential units on site.</p>	<p>The contravener has met on site with Officers claiming that there is no breach.</p> <p>An EN was issued in 2021 in respect of the hardstanding but was subsequently withdrawn for technical reasons.</p>	<p>In respect of the hard standing, the next step is to serve a further Enforcement Notice.</p> <p>In September 2021 Officers refused an application to increase the numbers of residential units on the site and this is currently the subject of an appeal. If the appeal is dismissed Officers will then be considering the expediency of enforcement action. A PCN is being prepared to obtain further information with this in mind and also in respect of the unauthorised hard standing/extension of the site which is intrinsically related to the increase in occupiers on the site.</p>
<p>DC Automotive Home Farm Mount Skippett Ramsden</p>	<p>Unauthorised material change of use - sale of second hand cars</p>		<p>The contraveners have been asked to submit evidence of lawful use but have failed to do so. Expediency of enforcement action has been considered and the next step is issue and service of an enforcement notice.</p>