



WEST OXFORDSHIRE
DISTRICT COUNCIL

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| Name and date of Committee | Lowlands Area Planning Sub-Committee: Monday 19 June 2023 |
| Report Number | Agenda Item No. x |
| Subject | Progress on Priority Enforcement Cases preceded by short presentation on the work of the Enforcement Team. |
| Wards affected | As specified in Annex A |
| Accountable officer | Abby Fettes, Business Manager, Development Management Email: Abby.Fettes@publicagroup.uk |
| Author | Kelly Murray, Principal Planner (Enforcement and Appeals) Tel: 01993 861674 Email: Kelly.Murray@westoxon.gov.uk |
| Summary/Purpose | To brief the Sub-Committee on the work of the enforcement team and to provide an update on progress in respect of priority 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 8](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 10](#)).
- 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 260 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 14% 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>Historic unauthorised storage - EN served in 2016 requiring removal of items relating to the occupier's business. 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. Initially some clearance took place, however Officers are concerned that storage is again accumulating to unacceptable levels.</p> | Case had been scheduled to be closed, but will remain open following a recent site visit. Officers have contacted the owner/occupier and a meeting has been proposed to discuss next steps. |
| Entrance to New Yatt Business Centre | Unauthorised change of use of land from agriculture to builders yard/storage | EN not complied with. | This matter has been transferred to the counter-fraud team. |

| Site Address | Unauthorised Development | Notes | Update/Action to be taken |
|--|--|--|---|
| Reynolds Farm, Cassington (also known as Dove House) | <p>Unauthorised works and change of use of outbuildings to residential use without the requisite consents.</p> <p>Reynolds Farmhouse is a Grade II listed building</p> | <p>Retrospective applications were submitted in an attempt to regularise the unauthorised development. Appeals were dismissed.</p> <p>An Enforcement Notice was served 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 6th July 2020. This has never been complied with and finally, the case was referred to the counter-fraud team for prosecution.</p> | <p>On 21 February 2023 at Oxford Magistrates Court the owners were found guilty of breaching the enforcement notice and fined £16,000 plus costs.</p> <p>To date the required works have still not been carried out. Next steps are being considered.</p> |

| Site Address | Unauthorised Development | Notes | Update/Action to be taken |
|--------------------------|--------------------------|--|--|
| 17 Ashcombe Close Witney | Unauthorised enclosure | The front garden is enclosed by a wall greater than a metre in height. The unauthorised wall is considered harmful to the visual character and appearance of the area. | Attempts to negotiate with the land owner failed and the Council served an enforcement notice in February last year. This was appealed and the appeal dismissed at the end of August. The contravener failed to carry out the works by the deadline (end December 2022). He has been given until 23 June to carry out agreed works failing which the case will be passed to the team of the Council dealing with prosecution proceedings. |
| Home Farm Barnard Gate | Unauthorised storage | The Council served an enforcement notice requiring cessation of the use of the land for storage and repair of vehicles and mobile homes. | The appeal against the notice was dismissed and the compliance date was April 2023. As at the end of April there remained some unauthorised storage on the site and a period of grace has been given until early June for the clearance to take place. Officers are due to attend site shortly to assess whether compliance has now been achieved before deciding whether further action is necessary. |

| Site Address | Unauthorised Development | Notes | Update/Action to be taken |
|--|---|---|--|
| 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 Council served three enforcement notices in respect of these breaches in May 2022 and these were not appealed. They required action to be taken by mid-October (demolition of garage), and December (reinstatement of barn and compliance with approved plans), none of which works have to date been carried out. Officers have been unable to contact the contravener and the next step is therefore likely to be transfer to the team dealing with prosecution proceedings.</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 appealed and a public inquiry held, following which PINS dismissed the appeals. The deadline for compliance with the EN was July 2022.</p> | <p>Officers have carried out several site visits since the expiry of the compliance date. The occupier has made good progress in clearing the site but there remains work to be done. A further visit will take place in the next month following which a decision will be taken as to what further steps may be necessary to secure full compliance.</p> |

| Site Address | Unauthorised Development | Notes | Update/Action to be taken |
|-------------------------------|---|---|---|
| Land at the Tennis Cassington | Unauthorised demolition of boundary wall (Conditions 14/15 of W67/0196) | An enforcement notice was served in July 2022 requiring rebuilding of the demolished wall by January 2023. | The wall has been rebuilt however concerns were raised during the works about the quality of workmanship. Following meetings with our Conservation Officer the concerns are being addressed. |
| 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 2022 giving a compliance period of 150 days in which to carry out the approved landscaping scheme. A site visit to monitor works is due. |

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 |
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| Land South of Main Road, Curbridge | Unauthorised change of use of land from agriculture to storage of builders/waste materials. Unauthorised hard standings. | An appeal inquiry took place in March this year following service of two enforcement notices in 2022. | The appeals were withdrawn on 29 March 2023 during the course of the inquiry. The compliance dates are the end of June for removal of the stored items and the end of July for the removal of the hardstanding. |
| 66 Corn Street, Witney | Unauthorised outbuilding in the curtilage of a listed building and in the conservation area. | Planning permission was refused for the retrospective building under 21/02061/FUL | The Council served an enforcement notice in June 2022. This is currently the subject of an appeal and a decision is awaited. |
| Lavender Cottage, Minster Lovell | Non-compliance with conditions attached to 17/03978/HHD-creation of hardstanding for car parking. Siting of wooden outbuilding within car parking area. | Hardstanding and a gabion cage wall have been constructed without details in respect of access, construction details and a hard and soft landscaping scheme having been discharged. Wooden bin storage has been placed on the parking area in breach of condition. | The Council served an enforcement notice in May and the owner has submitted an appeal out-of-time. The compliance date is later this year. |
| DC Automotive Home Farm Mount Skippett Ramsden | Unauthorised material change of use - sale of second hand cars and vehicle servicing. | | The Council served an enforcement notice in November last year. This is the subject of an appeal which PINS have notified will be by way of a hearing. |

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| Double Red Duke (the Plough), Bourton Road Clanfield | Unauthorised erection of outbuilding | This was erected during the Covid-19 pandemic apparently to enable service to take place outdoors. | A retrospective application (22/01332/FUL) was refused on 24 June 2022. The refusal is the subject of an appeal. An enforcement notice has recently been served which will secure the removal of the building in the event the appeal is dismissed. |
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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 |
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| 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. | | There remain breaches of planning control within the established site area of The Paddocks. As before, there is 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. |
| 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 considering the expediency of enforcement action. |
| Crawley Inn, Crawley | Unauthorised residential caravans | | 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. A planning application for residential development is currently under consideration (23/00539/FUL) and next steps will be considered in the light of the outcome of that application. |
| Little Willow, Eynsham | Alleged unauthorised hardstanding and extension of the site onto adjoining land. Breach of condition relating to numbers of residential units on site. | An EN was served in 2021 in respect of the hardstanding but was subsequently withdrawn for technical reasons. | In respect of the hard standing, the next step is to serve a further enforcement notice. In September 2021 Officers refused an application to increase the numbers of residential units on the site. An appeal against refusal was dismissed for technical reasons and a further application is now being considered. |

| Site Address and Case No. | Unauthorised Development | Notes | Update/Action to be taken |
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| | | | Depending on its outcome, Officers will consider how best to address the alleged breaches of planning control. |
| 85 Barrington Close Witney | Unauthorised shed | | Formal enforcement action is likely to be taken shortly in respect of this development which was refused following submission of a retrospective application (20/02682/HHD). |
| Land Between 57 And 61 West End Witney Oxfordshire | Alleged change of use to car dealership. | | In January 2022, this land fronting onto West End began to be used for the display and sale of cars. Officers have been communicating with interested parties and are expecting the cars to be removed imminently. If they are not it is likely that formal enforcement action will be taken. |
| Land adj Burleigh Lodge Cassington Road Bladon | Laying of hardstanding for use as car park. Use of woodland for commercial forest school. | Part of the affected land is designated as “ancient woodland”. | Retrospective applications 22/03502/FUL and 22/03501/FUL were recently refused and are currently the subject of appeal. The expediency of enforcement action should the appeals be dismissed is now being considered. |
| Park Farm, Standlake Road, Northmoor | Development of 15 dwellings (15/04506/S73). Open space has been fenced off by developer and has not been landscaped as part of the approved scheme. | Successive applications to build a further dwelling on the annexed land have been refused. | The most recent refusal for construction of a dwelling (22/01748/FUL) is the subject of appeal. Consideration is now being given to the expediency of enforcement action should the appeal be dismissed. |