



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Lowlands Area Planning Sub-Committee: Monday 4 December 2023
Report Number	Agenda Item No. 6
Subject	Progress on Priority Enforcement Cases
Wards affected	As specified in Annex A
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Summary/Purpose	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 270 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>	This case remains open and Officers are trying to arrange a meeting with the owner/occupier.
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. Following a meeting with the owner, Officers have agreed an extension to spring 2024 for removal of the stored items.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
<p>Reynolds Farm, Cassington (also known as Dove House)</p>	<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.</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>Officers continue to monitor works which have commenced but are not yet complete.</p>

Site Address	Unauthorised Development	Notes	Update/Action to be taken
17 Ashcombe Close Witney	Unauthorised enclosure	<p>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.</p> <p>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 works were not carried out by the deadline of end December 2022 and an extension was given until 23 June.</p>	The works have now been carried out to Officers' satisfaction and the case has now been closed.
Home Farm Barnard Gate	Unauthorised storage	<p>The Council served an enforcement notice requiring cessation of the use of the land for storage and repair of vehicles and mobile homes.</p> <p>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 was given for the clearance to take place.</p>	Compliance has now been achieved and the case has been closed.

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.</p>	<p>Officers were unable to contact the contravener and the case has now been transferred to the team dealing with prosecution proceedings. They are now preparing for next steps.</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 made several visits since the expiry of the compliance date and are satisfied with the progress that has been and continues to be made in clearing the site. Monitoring continues and a further visit will be carried out in early 2024.</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)	<p>An enforcement notice was served in July 2022 requiring rebuilding of the demolished wall by January 2023.</p> <p>The wall was originally rebuilt in an unsatisfactory way and Officers met with the builder to discuss the way forward.</p>	The wall has now been rebuilt to the satisfaction of the Council's Conservation Officer. Case has been closed.
Land at Thorney Leys	Non - compliance with the approved landscaping scheme under 16/02718/CND (15/00647/FUL)	<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>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.</p>	The notice has only partly been complied with. Officers are working with ERS to obtain noise readings in the absence of the required acoustic bund and will be compiling a detailed landscape report. We will then decide on next steps.
Land South of Main Road, Curbridge	Unauthorised change of use of land from agriculture to storage of builders/waste materials.	<p>An appeal inquiry took place in March this year following service of two enforcement notices in 2022.</p> <p>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</p>	The hardstanding and some of the stored items were removed by the compliance date however a mound composed in part of waste materials remains. We have had no response to reminders and will shortly be referring the case to the team dealing with prosecution proceedings.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
	Unauthorised hard standings.	the end of July for the removal of the hardstanding.	
Lavender 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 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.</p> <p>Wooden bin storage has been placed on the parking area in breach of condition.</p> <p>The Council served an enforcement notice in May and the owner submitted an appeal out-of-time. The compliance date expired earlier this year.</p>	<p>Officers have recently met with the owners to agree a way forward. An application was submitted to regularise the unlawful development but this was not considered to be supportable and has been withdrawn on Officers' advice. A fresh application is awaited and further action has been suspended pending the outcome of the new application.</p>
Goat Acre, Weald Bampton	Erection of palisade fence	An enforcement notice was served earlier this year and was not appealed.	<p>The contravener has failed to remove the fence within the compliance period. He has now submitted a pre-application enquiry to explore options.</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 (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
66 Corn Street, Witney	Unauthorised outbuilding in the curtilage of a listed building and in the conservation area.	<p>Planning permission was refused for the retrospective building under 21/02061/FUL.</p> <p>The Council served an enforcement notice in June 2022. This is currently the subject of an appeal and a decision is awaited.</p>	A site visit with PINS was carried out on 20 November 2023 and at the time of writing the decision is expected imminently.
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 will be heard by way of a one day inquiry in mid-February 2024.
Double Red Duke (the Plough), Bourton Road Clanfield	Unauthorised erection of outbuilding	<p>This was erected during the Covid-19 pandemic apparently to enable service to take place outdoors.</p> <p>A retrospective application (22/01332/FUL) was refused on 24 June 2022 and the subsequent appeal was dismissed. An enforcement notice required the removal of the building.</p>	The outbuilding has been removed and the case has now been closed.
85 Barrington Close Witney	Unauthorised shed	Permission for retention of the shed as built was refused following submission of a	An enforcement notice was served earlier this year. Alterations on the shed have however brought it within permitted development. On this

		retrospective application (20/02682/HHD).	basis and following previous discussions between the owner and the Council, Officers have withdrawn the notice. The case has been closed.
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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
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.	A new cross-Council project team has been created which is preparing a report, exploring the various issues at the Paddocks with a view to reporting to the Executive in due course.
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, however the use has been ongoing for some time.	Officers have recently met with the landowner and his agent to discuss the way forward. This is a case in which, in light of the evidence available, an application for a CLE may be appropriate.
Crawley Inn, Crawley	Unauthorised residential caravans	The landowner is claiming a lawful use in respect of the siting of residential caravans on the land.	A planning application for residential development remains under consideration (23/00539/FUL). In the event of a recommendation of approval, the LPA is likely to require the caravans to be removed. Enforcement action has been suspended pending determination of the 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 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	A further planning application on the established gypsy site remains under consideration but flood information is required before a decision can be taken. The hard standing on the adjacent land is, in Officers' view, linked to the use of this site. A further

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			enforcement notice will be served in the near future.
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.	The cars have been removed, however the site continues to be monitored due to its untidy state and a section 215 notice may be appropriate.
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 refused and are currently the subject of appeal but there is no start date for the appeals at present.	The bushcraft activity in the woods has been suspended for the season and the outcome of the appeals is awaited. Due to the sensitivity of the site it is likely that immediate enforcement action would be taken should the unlawful use recommence. Officers are monitoring the sites.
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.	A refusal for construction of a dwelling (22/01748/FUL) on a northern area of the site was refused last year and the appeal has now been dismissed. Landscaping on this and on a further, southern part of the site has not been carried out in accordance with approvals.	Officers have prepared a report seeking authorisation to commence formal enforcement action.
Croft Pool Land at Pickfords Pool Croft Lane Standlake	Alleged unauthorised construction of dwelling and associated track	A dwelling and another structure have been constructed on an island in a lake, with an associated access track. An added complication is that the site is a designated scheduled ancient monument and so consent from Historic England was required for the works and would be for their removal.	This is a very recent case and Officers are consulting with Historic England with a view to deciding the best course of action.
Chillbrook Farm, Barnard Gate, OX29 6XD	unauthorised creation of access (refused under 20/02507/FUL)	Dismissed appeal against refusal	An enforcement notice is imminent.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
West End House 26a West End Witney	Listed building in extreme neglect	Officers have tried over a number of years to engage with the owner but without success. Officers recently entered the property using their statutory powers and are currently in the course of preparing a schedule of works.	The next step will be to seek authorisation for an Urgent Works Notice requiring works to be carried out to prevent further weather damage.