



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Uplands Area Planning Sub-Committee: Monday 11 December 2023</b>
Subject	<b>Progress on priority enforcement cases</b>
Wards affected	As specified in <a href="#">Annex A</a>
Accountable officer	Abby Fettes, Development Manager Email: <a href="mailto:abby.fettes@publicagroup.uk">abby.fettes@publicagroup.uk</a>
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Summary/Purpose	To provide an update on progress in respect of priority 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

## **1. 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 270 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 13% 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.

<b>Site Address and Case No.</b>	<b>Unauthorised Development</b>	<b>Notes</b>	<b>Update/Action to be taken</b>
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 is the subject of on-going complaint regarding its appearance/state of repair.</p> <p>The condition of the building is being monitored by Building Control with overview by the Council's conservation officers. The Council's consultant structural engineer inspected in February 2023 following the installation of further scaffold bracing.</p> <p>The matter is no longer with the Enforcement Team and is now with Property Services.</p>	<b>A report was presented to the Executive in October at which Members decided that the Council would not pursue its discretionary powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 due to the high costs involved and the likelihood of these being irrecoverable.</b>
Land to the East of the Slade Charlbury	Change of use of part of site to storage of building materials and machinery	The Council served an enforcement notice in 2022 that was appealed but the appeal was later withdrawn.	<b>Following several site visits Officers consider the enforcement notice has been satisfactorily complied with. The case has been closed.</b>

**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 an appeal has been made.

<b>Site Address and Case No.</b>	<b>Unauthorised Development</b>	<b>Notes</b>	<b>Update/Action to be taken</b>
Netherby Farm, Swerford	Unauthorised residential occupation of caravan	Members resolved to refuse planning permission for temporary residential use.  The Council served an Enforcement Notice in May 2022 which was appealed.	<b>The appeal was dismissed in September however the inspector extended the deadline for compliance from 6 to 9 months, which means the mobile unit can be retained until June 2024.</b>
Brothertons Brasserie 1 High Street, Woodstock	Unauthorised awning	An enforcement notice was served in 2022 following refusal of a retrospective application. This was appealed.	<b>At the time of writing, the appeal decision is still awaited.</b>

**SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY**

<b>Site Address and Case No.</b>	<b>Unauthorised Development</b>	<b>Notes</b>	<b>Update/Action to be taken</b>
The Beeches, Old London Road, Chipping Norton	Car park extension. Additional caravans located on the periphery of the site.  Extension of the site to the south of the site access.	There are ongoing non-planning issues on the site that are being investigated by other services within the Council and other agencies.	<b>Officers continue to attempt to negotiate with the owner of a caravan that has been placed on the boundary and which is highly visible from the road.</b>  <b>Further action is on hold for the present.</b>
Burford House Hotel 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building.  Applications for part retrospective works were approved under 19/01293/FUL and 19/01294/LBC but were not implemented and subsequently lapsed.	<b>Applications were made earlier this year for planning permission and listed building consent for both external and internal works. These were considered at Committee and approved. Since the unauthorised works have now been regularised, the case has been closed.</b>
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed.  The Council's Conservation Officer was satisfied with the re- thatching of the roof which was	<b>The house remains vacant and its condition continues to be monitored. The Conservation Officer is due to revisit at the time of writing.</b>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		carried out on a "like-for-like" basis.	
121 High Street Burford	Listed building in poor state of repair		<b>Officers have recently met with the owner to discuss the future of the property. Following this meeting, consideration of formal action will be deferred until the owner has been given a chance to carry out repair works, as he says he intends to do, in spring next year.</b>
Track at Tracey Lane Great Tew	Unauthorised track created	Amended retrospective application seeking to address archaeological and landscape issues was approved under reference 18/02236/FUL and then varied by a subsequent permission 21/03357/S73.	<b>The track has been observed to be in use by vehicles however the top dressing required by the 2021 permission has not been applied in full. A PCN has been served as a precursor to further formal action.</b>
Enstone Airfield	Use of compound as a lorry park and for the siting of residential caravans  Scaffolding Business, porta loo hire business and storage of containers	Many of the historic breaches have now been regularised.  There remains unauthorised storage of waste material in respect of which an application was submitted to OCC for a temporary use of the land for the storage and sorting of waste. This is a matter for OCC and the Environment Agency.  Monitoring of the number of flights has been undertaken and this falls well within the amount of flying activity that is allowed from the site.	<b>There are no breaches that are considered to justify action at this stage, however, periodic monitoring continues to be carried out.</b>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
14 Park Street Woodstock	Internal and external operations being carried out without consent.	Listed building being converted to residential user. Former Barclays bank.	<b>Officers are monitoring replacement of the previous windows that were removed and discarded without consent having been granted. An application for consent for single-glazed windows has been approved but not to date implemented.</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 capable of being used as a single unit accommodating up to 30 people	<b>A retrospective application to allow use of the garage as accommodation ancillary to the dwelling was given consent earlier this year.</b>  <b>There is no evidence at present to demonstrate a material change of use and on this basis the case has been closed.</b>
Barwood Homes, Tackley	Elevated footpath	Officers negotiated an amended landscape scheme in order to ameliorate the impact of the footpath	<b>Officers have inspected the site and discussed compliance with the company responsible for maintaining the landscaping scheme. The company has agreed to replace the dead and dying trees and a further inspection is due by the end of the planting season, early next year.</b>
West End Farm, Chipping Norton	Unauthorised hard standing	The hardstanding was originally built without permission as the base for a new barn. It is considered to cause landscape harm and to impact adversely on the setting of Bliss Mill.	<b>Authorisation has been given to commence formal action and service of an enforcement notice is imminent.</b>
Diddly Squat Farm, Chipping Norton Road, Chadlington	Unlawful material change of use causing harm to the AONB	An Enforcement notice was served in August 2022 which was part upheld and part dismissed following a hearing in March this year.	<b>A condition of the temporary permission granted by the inspector on appeal required the submission of a site development scheme for approval. This has been submitted and is in the course of negotiation.</b>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to 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 refused and are currently the subject of appeal but there is no start date for the appeals at present.	<b>The bushcraft activity in the woods has been suspended for the season and the outcome of the appeals is awaited.</b>  <b>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.</b>
Land at Field Assarts	Material change of use of land adjacent to a former barn under conversion for Class E use.	Temporary consent was granted earlier this year to allow conditioned business use for the duration of conversion works to the barn.	<b>The Council has received complaints about breaches of the temporary consent and is monitoring these.</b>
The Bull Inn Charlbury	Erection of new flue on the building, canopy over seating area, changes to car parking.	This is a listed building that has in the recent past been subject to enforcement action. ERS has become involved due to fire pits in the outdoor area creating smoke.	<b>Retrospective applications have very recently been received and these are under consideration.</b>