



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Uplands Area Planning Sub-Committee: Monday 7 September 2020</b>
Report Number	<b>Agenda Item No. 5</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 256 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	The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.	<p>Since the last enforcement progress report in Jan 2019 and following the report to Cabinet in November 2018 where Officers 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. Officers have met specialist external consultants to clarify CPO process/next steps Estates have commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action. An update on progress in respect of a negotiated purchase has been requested from Estates who are now dealing with the case. At the time of writing no update has been provided. Your Officers hope that by the date of the Planning Sub Committee meeting a response will have been provided such that Members can be updated verbally.</p>
The Bull Inn, Sheep Street, Charlbury	Unauthorised 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</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 was approved for an alternative extraction unit and flue on 30 May 2019. Whilst listed building consent has been approved for an alternative flue the parallel planning permission which would consider issues of noise and odour from such systems has only recently been received for consideration.</p> <p>Following discussions with the Manager of the premises it is anticipated that once planning permission is granted the unauthorised flue will be removed and replaced expeditiously with the approved unit.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		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.	
45 High Street, Ascott Under Wychwood	Unauthorised pergola and first floor balcony.	<p>Planning permission for the retrospective works was refused and subsequently dismissed at appeal.</p> <p>A later planning permission was approved for an amended pergola and balcony detail that was considered to address the concerns raised by the Planning Inspector.</p> <p>Despite repeated confirmation from the owner that the amended approved scheme would be implemented in order to address to the breach, the pergola and balcony remained unaltered .An Enforcement Notice was subsequently issued.</p>	<p>An Enforcement Notice seeking removal of the unauthorised pergola and balcony was issued in June 2019 with a short compliance period.</p> <p>The pergola and balcony have been remodelled in accordance with the planning permission. <b>CASE CLOSED.</b></p>
Unit A, Farm Buildings, Farley Lane, Stonesfield	Breach of condition 1 of planning permission 07/1871/P/S73 which restricted	Given that this consent was only granted for one year the business has been operating from the site for nearly 10 years without consent and conditions controlling the use(hours of operation, noise	<p>Once the breach came to light and given the very tight timeframe in respect of the unfettered use becoming lawful, your Officers issued an enforcement notice requiring the use to cease within 6 months of the notice coming into effect.</p> <p>The Enforcement Notice was the subject of an appeal which was subsequently dismissed on 14 October 2019 and the Enforcement Notice upheld .The period of</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	the use of the building for the purposes of a welding business for one year only.	etc).In addition to the above in the interim period a small housing estate has been constructed in close proximity to the building	compliance given with the notice is 6 months thus requiring cessation of the use by 13 April 2020.  A recent site visit has confirmed that the use as ceased in accordance with the requirements of the Enforcement Notice. <b>CASE CLOSED.</b>
Manor Farm, Great Rollright	Unauthorised storage of caravans on land	The landowner was advised that the storage of caravans on the land is a breach of planning control and that it is considered expedient in this case to proceed to formal Planning enforcement action.	An Enforcement notice was issued requiring cessation of the unauthorised storage use. It was not the subject of an appeal and the date for compliance has now expired.  The next step is to consider the initiation of legal proceedings to secure compliance with the notice.

**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
Manor Farm, Great Rollright	Alleged non - compliance with an agricultural tie on the farmhouse.	The house is being let for holiday let purposes 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.  The owner has advised officers that the use of the dwelling as a holiday let has been going on for in excess of 10 years and as such is lawful. Despite this claim no lawful development certificate has been submitted to date in order to evidence the alleged lawful use.	In the absence of a planning application or a lawful development certificate in an attempt to seek to regularise the breach an Enforcement Notice (Breach of Condition) has been issued requiring cessation of the holiday let use. The compliance date with the notice has yet to expire.

**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 Heyes, Churchill	Unauthorised Storage and processing of logs  The Heyes, Churchill	As reported to Members in the last update report the landowner is claiming that the use under investigation has been going on for in excess of 10 years and is therefore lawful. Officers have advised that in order to evidence this claim a CLEUD application needs to be submitted for consideration. No such application has been received however a planning application for the use has been submitted in an attempt to seek to regularise the use.	The application is still under consideration at the time of writing but a recent visit to the site has confirmed that the site has been significantly cleared with only a very limited amount of storage remaining on the land.
The Beeches, Old London Road, Chipping Norton	Car park extension. Additional caravans located on the periphery of the site.	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.	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.  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.  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.
26 High Street, Ascott under Wychwood	Unauthorised change of use of land from agricultural to	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	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.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	garden.	adversely intrudes into and urbanises the open countryside thus failing to conserve and enhance the Cotswolds AONB.	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.  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 a garden. Also it has been noted that the adjoining property appears to have extended its garden. At the time of writing further investigation and planning assessment is to be undertaken.
Burford House 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building	Applications for part retrospective works have been approved under 19/01293/FUL and 19/01294/LBC.  A recent site visit has confirmed that the above noted permissions do not appear to have been implemented in order to address the breach of planning control. Your Officers will be contacting the manager of the premises to ascertain when the works will be carried out.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	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.  The Condition of building is being 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 is to take place over the next few weeks.
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively	Amended application seeking to address archaeological and landscape issues has been approved under reference 18/02236/FUL.  A recent site visit has confirmed that the landscaping and surface finish of the track do not accord with the planning permission that has been granted. At the time of writing Officers are liaising with the landowners agent in an attempt to resolve the breaches without the need for formal action.
19 Tilsley Road Chipping Norton	Erection of enclosure and	Advice given to remove or submit retrospective application but no	At the time of writing the fence remains in situ and no planning application has been submitted in an attempt to regularise the unauthorised development.

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	change of use of verge to garden	application received.	Following a recent site visit Officers are of the opinion that the relocated fence by reason of both the mellowing /ageing of the means of enclosure and the retention of a wide verge and trees is not so harmful as to justify formal planning enforcement action in the absence of a retrospective planning application. It is recommended by Officers that no further action is taken and the case be closed. <b>CLOSE</b>
I Lords Piece Road Chipping Norton	Close boarded fence and change of use OCC land to garden	No retrospective application received but close boarded fence removed voluntarily and replaced with a post and wire fence and hedgerow.	OCC were contacted in order to ascertain whether or not the County wish to pursue the enclosure of land alleged to be in its control and ownership. The County has confirmed that it does not intend taking any action. <b>CLOSE</b>
I Washington Terrace Middle Barton	Fence and Garden in floodplain	CLEUD application submitted for a change of use of land to garden and retention of fence.	Lawful Development Certificate granted for the change of use to garden but fence not considered lawful. A recent site visit has been carried out in order to consider the planning merits of the retained fence. In light of the fact that the fence is not visible in the public domain and that such features are transient by way of construction, Officers consider that it is not expedient to take any further action in respect of the fence and the case be closed. <b>CLOSE</b>
Enstone Airfield	Unauthorised waste storage; Unauthorised erection of a building; Change of use of one agricultural building to a commercial use Non- compliance with conditions attached to the extension of the	There are a number of breaches on the airfield which involve various landowners.  Officers have been in discussions with one landowner and have advised on how to progress the breaches that have been identified to date.  There are however more potential breaches on the land which are self - evident when visiting the airfield.	<ol style="list-style-type: none"> <li>1. A CLEUD application has been submitted in respect of the unauthorised building. The application was refused on the grounds that the <b>use</b> of the building was the subject of the application as opposed to the <b>operational development</b> (time frames for construction of the building itself).It is anticipated that a further application for a lawful development certificate will be submitted in due course together with an application for a change of use of an agricultural building on the land to a commercial use.</li> <li>2. Officers had a meeting on site with OCC and the Environment Agency in respect of the waste storage on the land which has been imported in order to create bunds associated with the expansion of the Shooting School. The EA has advised the landowner that the material must be removed from the airfield and as such cannot be used for the creation of the bunds. The storage of waste comes under the remit of OCC and the EA.</li> <li>3. Officers will visit the site to consider whether or not is expedient to pursue</li> </ol>

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	Shooting Ground;  Potentially unauthorised hangers.		formal action in respect of further alleged breaches of planning control on the airfield which include the construction of a number of additional hangers.
Land at Church End, Swerford	Development not in accordance with the approved plans	A stone storage building presently being constructed on land the subject of a number of refusals for a dwelling, is being constructed at variance with the approved plans. Additional door and window openings.	Planning permission granted for the variances. <b>CLOSE</b>
Orchard Barn, Pomfret Castle Farm	Unauthorised fence and outbuilding	The outbuilding has been located to an alternative location which is considered acceptable on its planning merits. The fence however remains in situ.	A recent site visit has been undertaken in order to consider the expediency of formal enforcement action in respect of the unauthorised fence. Given the sites context and the fact that the fence has silvered down over time your Officers consider that formal enforcement action in order to seek to remedy the breach is not expedient in this instance and as such the case can be closed . <b>CLOSE</b>
Castle Corner, Church Street, Wootton	Non compliance with condition 3 of planning permission 478/83	Condition 3 precludes the garage accommodation attached to the property being adapted for living purposes.  Under 19/00110/HHD planning permission was recently refused for conversion of the garage on the grounds that given the geometry of the road and the lack of appropriate street parking spaces it would be detrimental to the safety and convenience of highway users.	On the basis of evidence gathered to date it appears that the garage has been adapted for use as a utility, storage and garage to serve Castle Corner. It has a linoleum floor, a wall hung radiator, kitchen units and a sink and worktop.  As a matter of 'fact and degree' Officers consider that this is a breach of the planning condition. In light of OCC highways concerns about the loss of off street parking on the site your Officers need to consider the expediency of taking formal action in an attempt to remedy the breach.
The Thatched Cottage, The Slade,	Replacement fence	The landowner is of the opinion that the replacement fence is like for like in terms of both its	At the time of writing your Officers are considering this assertion. However, the replacement fence appears to be higher and more visually intrusive than the former means of enclosure. Given the building is listed and the site is located within the

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Charlbury		alignment, materials and height.	Conservation Area the test of preserve or enhance character and appearance of the area is key to the acceptability or otherwise of the replacement fence.
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 your Officers are about to issue a Planning Contravention Notice in order to establish the facts regarding the actual use of the property and to help identify the nature of the alleged planning breach.
Doggetts House, Churchfields, Stonesfield	Non- compliance with planning conditions attached to 11/1252/P/FP which relate to access, parking and a turning area that has not been installed.	OCC Highways has advised that in this instance on-site parking should be provided in accordance with the planning conditions for highway safety reasons.	Officers have invited the present occupier to submit a retrospective application in an attempt to regularise the breach. No such application has been submitted to date.  In the absence of any attempt to seek to regularise the breach and given OCC Highways concerns the expediency of taking formal action to remedy the breach is under consideration at the time of writing.
Lower Farm, Witney Lane, Leafield	Alleged 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	A Planning Contravention Notice has been issued in order to obtain information about land ownership and interests together with time frames in respect of the change of use and the creation of the hardstanding.
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.	It is anticipated that a Planning Contravention Notice will be issued in order to obtain information about land ownership and interests