



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Uplands Area Planning Sub-Committee: Monday 2 March 2020
Report Number	Agenda Item No. 5
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 312 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 16% 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.</p> <p>Officers have met specialist external consultants to clarify CPO process/next steps</p> <p>Estates have commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action</p> <p>Update on progress to be reported separately.</p>
The Bull Inn, Sheep Street, Charlbury	Unauthorised flue and extraction system.	<p>Planning and Listed Building consent applications for the unauthorised extraction flue were submitted under references 16/01140/FUL and 16/01141/LBC and were subsequently withdrawn.</p> <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</p>	<p>On 7th August 2017 Members of the Uplands Planning Sub-Committee 07/08/2017 resolved that Officers be authorised to issue an enforcement notice to secure removal of the extraction unit with flue within 3 months of the notice coming into effect.</p> <p>On 22nd September 2017 Enforcement Notices were served which would take effect on 30th October 2017.</p> <p>On 30th October 2017 an appeal was lodged against the notice.</p> <p>The appeal 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.</p> <p>A recent site visit has confirmed that notwithstanding the grant of planning permission and listed building consent for an alternative extraction system the</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		<p>system that is in situ is considered to adversely impact on both the architectural character and appearance of the listed building and the Conservation Area, your Officers prepared an enforcement report with a recommendation to take formal enforcement action.</p>	<p>unauthorised flue remains in situ.</p> <p>In light of non - compliance with the terms of the Enforcement Notice the next step is to consider the initiation of legal proceedings to secure compliance.</p>
<p>45 High Street, Ascott Under Wychwood</p>	<p>Unauthorised pergola and first floor balcony.</p>	<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 remains unaltered.</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>At the time of writing the unauthorised pergola and balcony remains in situ.</p> <p>In light of non - compliance with the terms of the Enforcement Notice the next step is to consider the initiation of legal proceedings to secure compliance.</p>
<p>Bowerham, Shipton under Wychwood</p>	<p>Insertion of 7 roof lights without planning permission.</p>	<p>Application refused for 7 lights but modified application for 4 subsequently approved.</p>	<p>Roof lights not removed voluntarily and so an Enforcement Notice was issued on 2 December 2019 requiring removal of three unauthorised roof lights.</p> <p>The notice took effect on 5 January 2020 as no appeal was made in respect of the notice requiring removal and making good of the roof slope by 5 February 2020.</p> <p>A recent site visit confirms compliance with the terms of the Enforcement Notice. CLOSE</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.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Unit A, Farm Buildings, Farley Lane, Stonesfield	Breach of condition 1 of planning permission 07/1871/P/S73 which restricted the use of the building for the purposes of a welding business for one year only.	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 etc).In addition to the above in the interim period a small housing estate has been constructed in close proximity to the building	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. 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 compliance given with the notice is 6 months thus requiring cessation of the use by 13 April 2020.
The Golden Pheasant, High Street, Burford	Unauthorised ATM and signs	Following refused retrospective applications and dismissed appeals an Enforcement Notice was issued requiring removal of the ATM pod, concrete base and bollards.	The Enforcement Notice required removal of the unauthorised works by 8 July 2019. Notice complied with. CASE CLOSED

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 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 to date.	Since the last report to Members in respect of this issue the contravener has made it quite clear that he has no intention of submitting a CLEUD application to seek to evidence a lawful use. Latest contact with the contravener has confirmed that a local agent has been instructed to submit a retrospective planning application in an attempt to regularise the breach. An application has been submitted but it has not been registered to date as flood risk assessment is needed in order to validate the application.
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.	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 have been protracted due to the complexity of the issues Similar breaches have taken place on a caravan park in Lowlands which are presently being progressed by way of the intended submission of part retrospective planning applications.
26 High Street, Ascott under Wychwood	Unauthorised change of use of land from agricultural to garden.	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 adversely intrudes into and urbanises the open countryside thus failing to conserve and enhance the Cotswolds AONB.	In light of the refusal of planning permission and in the absence of an appeal your officers anticipated that 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. 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 continues.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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 site visit is to be undertaken to confirm whether or not the works as approved have been carried out on site.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	Owner given time to provide a schedule of works to restore the building. No schedule received. Officers have re-visited the site and consider that no action is justified at this time. During the last six month period the owner of the property has 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. Condition of building to be monitored.
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 site visit is to be undertaken in due course to confirm whether or not the requisite landscaping has been carried out in accordance with a planning condition imposed on 18/02236/FUL.
19 Tilsley Road Chipping Norton	Erection of enclosure and change of use of verge to garden	Advice given to remove or submit retrospective application but no change/application.	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. The expediency of taking formal enforcement action to seek to remedy the breach is now under consideration.
1 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 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.
Spring Cottage Sheep Street Charlbury	Porch and Canopy in CA	Retro application refused	Canopy has been removed voluntarily and breach has ceased. CLOSE

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Davenport Close Gt Rollright	Greenhouse in front garden	Retro application refused and the subject of an appeal.	Appeal dismissed. Greenhouse removed voluntarily. CLOSE
Hemplands Gt Rollright	Unauthorised vehicular access	No application submitted	To consider the expediency of formal action to remedy the breach.
1 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. To consider the expediency of taking formal action to remove the unauthorised fence if it is not removed voluntarily.
34 Grove Road Bladon	Works not as per approved plans	Members noted retro application was being sought at May 2019 meeting	Planning permission granted for retrospective works. CLOSE
Enstone Airfield	Unauthorised waste storage; Change of use of two agricultural buildings to commercial uses; Non-compliance with conditions attached to the extension of the Shooting Ground; Potentially unauthorised hangers.	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"> 1. Retrospective applications are to be submitted in respect the two unauthorised commercial uses that have been identified. 2. Officers have a meeting on site with OCC and the EA in respect of the waste storage and bund construction associated with the Shooting School. 3. Officers will visit the site to consider whether or not is expedient to pursue apparent further breaches of planning control on the airfield.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Manor Farm, Great Rollright	Unauthorised storage of caravans on land	The landowner has been 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.	At the time of writing Enforcement Notice in draft with issue imminent once all of the relevant interests are known.
Manor Farm, Great Rollright	Alleged non - compliance with an agricultural tie on the farmhouse.	The landowner has advised Officers that the condition has been breached for in excess of ten years .Officers have advised that in order to seek to regularise the alleged breach of condition that the owner should consider the submission of a CLEUD application .No such application has been received at the time of writing.	At the time of writing Enforcement Notice in draft with issue imminent once all of the relevant interests are known.
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.	A retrospective planning application has been submitted in an attempt to seek to regularise the variances.
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.	Next steps under consideration