

**Cherwell District Council  
Planning Committee**

**16 January 2020**

<b>Planning Enforcement Report</b>
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**Report of Assistant Director Planning and Development**

This report is public

**Purpose of Report**

To inform Members about planning enforcement cases at CDC and update on the current position following the update in October regarding case numbers, formal notices served, enforcement action taken, and prosecutions achieved.

**1.0 Recommendation**

The meeting is recommended:

- 1.1 To note the contents of the report.

**2.0 Executive summary**

- 2.1 This report provides an overview of the work of planning enforcement since the last update provided in October and details the number of cases received and closed in that time as well as those dealt with over the last 12 months and provides an update on the 'backlog' of cases.
- 2.2 There were, at the time of writing this report on 31 December 2019, 298 active enforcement cases. The Department received a total of 418 new enforcement cases in 2019.
- 2.3 The enforcement team continues to tackle the backlog of cases. The number of new cases received remained at an average of over 400 per year for 2019, however, as can be demonstrated by the figures contained in Appendix 1 the number of live cases has been reduced by over 100 in the last 12 months bringing the overall 'backlog' down. (418 new cases received versus 540 closed in the same period).
- 2.4 There are currently over 5 enforcement notices and Breach of Condition Notices with legal ready for issuing in the new year. The decision was taken to hold these until the New Year to allow for the holiday period and the implications for recipients to appeal any notice issued. These notices will be reported in detail at the next quarterly report. Relevant Members and Parish Councils are notified as standard practice when a notice is issued in their area.

2.5 Three successful prosecutions are reported with further prosecutions pending in the next few months which will be reported in the next quarterly update.

2.6 Statistical data is contained in the appendix to this report

### 3.0 Updates to significant cases

Brief history and actions to date on cases that are 'public' and of significant Member Interest.

Address	Update
14 Lanchester Drive, Banbury	S215 Notice served and not complied with. Direct Action taken September 2019 to secure compliance with notice.  Successful Prosecution December 2019 – as reported below
Godwins Farm, North Aston, Bicester	Enforcement Notice issued March 2019 for use for one static caravan. Compliance date for removal January 2020.  Notice complied with and case closed.
The Pheasant Pluckers Inn, Burdrop, Banbury	Latest planning appeal refused for change of use from pub to C3 residential use. Work underway to secure full compliance with extant enforcement notice.  Pub has recently reopened – legal advice being sought establish if this constitutes compliance with the enforcement notice. Additional enforcement matters regarding the holiday lets remain under investigation.
The Kings Head, Fritwell Bicester.	Enforcement Notice issued for change of use of pub to residential accommodation. Appeal lodged with Planning Inspectorate. Awaiting appeal start date.
OS Parcel 3349 North East Of Highlands Adjoining Cropredy Lane Williamscot	Direct Action taken to remove caravan from the land to secure compliance with enforcement notice. Prosecution being prepared. Ongoing investigation into additional works at the site. Prosecution being considered.
4 Paines Hill, Steeple Aston.	S215 Notice served February 2019, not appealed. Compliance due May 2019.  Successful prosecution December 2019 – as reported below.

### 3.0 Investigations Summary

4.1 From 1 January 2019 to 31 December 2019, the Council has received 418 new enforcement cases and in the same period closed 540 cases. This continued effort to close more cases per month than received is slowly bringing down the number of cases in the backlog. Cases are dealt with

according to the priorities set out in the Local Enforcement Plan. A significant number of cases are closed each month due to no breach having been found. Additionally a large number of cases are resolved through negotiation by Officers without the need for formal action. Appendix 1 provides data on the number of enforcement (and development monitoring) cases received and closed over the last 12 months and the number of and types of notices and actions taken. Further statistics will be reported next quarter for reasons for closure as this information is being updated in the new DEF computer system.

- 4.2 Direct action was taken twice in 2019 to secure compliance with an enforcement notice and a S215 Notice. The first removed an unauthorised caravan from land and the second involved entering land to tidy the site and make good a house that had fallen into disrepair that was adversely affecting the amenity of local residents. In both cases, negotiations with the land owners had failed and direct action was required to secure compliance with the notices
- 4.3 Three successful prosecutions for Planning Offences were secured by the Planning Enforcement Team on 16 December 2019, with further prosecutions currently being prepared. These are detailed below:

#### **4 Paines Hill, Steeple Aston**

A section 215 Notice (Untidy Land) was served upon the owner on 14 February 2019. The Notice was not appealed and became effective with the compliance due date being 15 May 2019.

The owner failed to comply with any part of the notice and pleaded guilty in Court. He was fined £300 and ordered to pay partial costs of £1,000 to the council.

Should the notice still not be complied with by end of February 2020 a further prosecution will be considered. The site is currently being monitored.

#### **14 Lanchester drive, Banbury**

A section 215 Notice (Untidy Land) was served upon the joint owners on 21 July 2017. The Notice was not appealed and became effective with the compliance due date being 6 December 2017. The notice was not complied with and on 26 September 2019, after many failed attempts to engage with the owners, the council exercised their powers under section 219 of the Town and Country Planning Act to carry out the works in default. A charge has been placed on the owners property for these works.

Both defendants failed to attend court and the case was proved in their absence. The courts have handed down a fine of £660 for each defendant and awarded costs to the council of £1791.16 per defendant.

## **5.0 Conclusions and Reasons for Recommendations**

5.1 The Councillors are asked to note the report.

## **6.0 Consultation**

6.1 None

## **7.0 Alternative Options and Reasons for Rejection**

7.1 None

## **8.0 Implications**

### **Financial and Resource Implications**

8.1 Any costs incurred during enforcement action is recovered by applying a charge to the property. In some instances, this requires forward funding by the Council which is recovered upon the sale of the property.

Comments checked by:

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### **Legal Implications**

8.2 None

Comments checked by:

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## **9.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

A district of opportunity

### **Lead Councillor**

Councillor Colin Clarke, Lead Member for Planning

## Document Information

<b>Appendix No</b>	<b>Title</b>
1	Enforcement Data
<b>Background Papers</b>	
None	
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