

Cherwell District Council

Planning Committee

16 July 2020

Planning Enforcement Report

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 January regarding case numbers and how the team has operated during the COVID19 pandemic.

1.0 Recommendation

The meeting is recommended:

- 1.1 To note the contents of the report.

2.0 Details

- 2.1 This report provides an overview of the work of planning enforcement since the last update provided in January 2020. This enforcement update is expected quarterly and as such was due to be reported to April's Committee. However, this did not happen due to the situation with Covid-19. This report will provide the update on enforcement activity, including notices served since the last update in January.
- 2.2 This report will also provide an update on how the enforcement team have been working during COVID19 including putting into place new processes required in line with Government relaxation of planning rules during this time.

Active enforcement and monitoring cases

- 2.3 There are currently 279 active enforcement cases (298 active cases reported in January 2020). The Council has received a total of 198 new planning enforcement cases and 51 new Monitoring cases so far in 2020 (115 of these new enforcement cases were received since the Lockdown began in March). The number of open cases has continued to reduce but progress has been hampered by restrictions on undertaking site visits and face to face meetings that are necessary for many enforcement investigations.

2.4 With restrictions now being lifted, it is hoped that investigations can be progressed quicker however this needs to be carefully managed against any risk, with the safety of our Officers being our priority.

Notices issued and prosecutions

2.5 At the beginning of lockdown, a decision was taken to temporarily halt the issue of formal notices unless this was essential. This was because many planning agents had temporarily stopped working and with other pressures on the general public it was not felt appropriate at the time. However, during the period of lockdown, the work continued to prepare notices ready for when restrictions were lifted and now as this happens, the team are now in the process of finalising these notices ready for issuing.

2.6 Between January and March 2020 four enforcement notices and two breach of condition notices have been issued, these are detailed in the table below.

2.7 Four prosecutions were already scheduled for Court were also put on hold and others have been prepared ready for the lifting of restrictions. These will be reported in the next quarterly update.

3.0 Updates to significant ongoing cases

3.1 A brief history and actions to date on cases that are 'public' and of significant Member Interest are set out below. Ward Members are now routinely advised when an enforcement notice is issued within their area, therefore you will be advised if a notice is issued within your ward area. The table is broken down into two halves to show the notices issued since January 2020. The table will only show outstanding enforcement cases where formal action has been taken and remains to be resolved, as cases are resolved they will be removed.

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
17/00201/ PROS	Field Farm, Stratton Audley Road, Stoke Lyne	EN	24/05/16	Eco-Pod, structures and hard standing	Court hearing was scheduled for April for non- compliance with enforcement notice. All Court Hearings postponed for Covid-19. First hearing in Court now scheduled for 7 August.
12/00020/ ECOU	The Pheasant Pluckers Inn, Burdrop, Banbury	EN	09/02/12	Change of use from agricultural land to a caravan site	Latest planning appeal refused for change of use from pub to c3 residential use. Pub had reopened and work

					was underway to establish if this constituted compliance with the enforcement notice, however as all pubs have been closed since lockdown this matter has been placed on hold. Matter to be revisited.
17/00237/ ENFC	OS Parcel 3349 North East Of Highlands Adjoining Cropredy Lane Williamscot	EN	15/03/18	Mobile Home sited in field	Court hearing was scheduled for April for non- compliance with enforcement notice. All Court Hearings postponed for Covid-19. First hearing in Court now scheduled for 7 August.
18/00057/ ENFB	The Kings Head 92 East Street Fritwell OX27 7QF	EN	14/03/19	Unauthorised change of use from public house to independent dwelling house	Appeal dismissed. Compliance due 1 July 2020. Visits to be scheduled to check compliance with enforcement notice.
17/00241/ ENFC	OS Parcel 4400 South of Manor Farm House and East of North Aston Hall Farm Somerton Road North Aston	EN	14/03/19	Change of use from agricultural land to a caravan site	Compliance date for removal of caravan was January 2020. Notice not yet complied with but working with owners and closely with housing colleagues to ensure the housing needs of the occupants are met.
Notices Jan-March 2020					
19/00395/ ENF	50 Begbroke Crescent, Kidlington	EN	15/01/20	Garden Shed	Not appealed 15/04//2020 Notice fully complied with
19/00128/ ENF	Spruce Meadows Cropredy Lane Williamscot	EN	13/02/20	Caravan on land used for residential, storage of shipping containers and other structures	Appeal submitted – awaiting start date from PINS
19/00172/ ENF	65 Calthorpe Street, Banbury.	BCN	10/02/20	Breach of condition regarding hours of	No right of appeal 09/03/20

				opening	Site being monitored to check compliance.
19/00171/ ENF	64 Calthorpe Street, Banbury.	BCN	10/02/20	Breach of condition regarding hours of opening	No right of appeal 09/03/20 Site being monitored to check compliance.
19/00309/ ENF	84 Green Road, Kidlington.	EN	13/02/20	Change of use of dwellinghouse to a guesthouse	Appeal not accepted by PINS – submitted out of time Compliance now required by 18/08/20
19/00099/ ENF	Land to rear of 9-11 The Garth, Yarnton	EN	12/03/20	Change of use of land for storage of builders & Plumbing materials	Not appealed Compliance was required by 26/04/20. Prosecution now being considered

EN – Enforcement Notice

BCN – Breach of Condition Notice

3.2 Since March 2020 the Government has implemented a number of changes to the planning legislation including temporary relaxations to permitted development and changes to the use classes order. These included relaxation to allow take away and delivery services where these would not usually be permitted. This means there may be some enforcement cases that will need to be reviewed in light of the changes. Further changes are anticipated as we move into the economic recovery phase of the pandemic and we are prepared to respond accordingly.

Development Monitoring

3.3 Development Monitoring has continued during lockdown, and as construction sites have returned to work, this work, monitoring has increased with more regular visits taking place.

3.4 On 13 May 2020, the Government released a Ministerial Statement allowing greater flexibility around construction site working hours. The guidance was provided to Councils, made it clear that requests for greater flexibility on construction times should not be refused without very compelling reasons for rejection.

3.5 To enable such requests to be assessed and dealt with within the 10 days period allowed a protocol has been put in place. Further draft guidance has since been issued by the Government but has yet to be formalised, however this guidance appears to be in line with what the Council has already put in place.

3.6 To date 7 requests have been received from developers and have been processed.

4.0 Conclusions and Reasons for Recommendations

4.1 The Councillors are asked to note the report.

5.0 Consultation

5.1 None

6.0 Alternative Options and Reasons for Rejection

6.1 None

7.0 Implications

Financial and Resource Implications

7.1 None.

Comments checked by:

Karen Dickson, Strategic Business Partner

karen.dickson@cherwell-dc.gov.uk, 01295 221900

Legal Implications

7.2 The body of the report sets out all the important legal implications

Comments checked by:

Matthew Barrett, Planning Solicitor 01295 753798

matthew.barrett@cherwell-dc.gov.uk

8.0 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

Appendix No	Title
N/A	N/A
Background Papers	
None	
Report Author	Amy Sedman, Planning Enforcement Team Leader
Contact Information	Amy.sedman@cherwell-dc.gov.uk