

Cherwell District Council

Planning Committee

8 October 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 July regarding case numbers and how the team continues to operate during the restrictions of COVID19.

1.0 Recommendation

The meeting is recommended:

- 1.1 To note the contents of the report.

2.0 Introduction

- 2.1 This report provides the quarterly overview of the work of planning enforcement last reported in July 2020. This report will provide the update on enforcement activity, including notices served since the last update in July.
- 2.2 This report will also provide an update on how the enforcement team have continued to operate during the COVID19 pandemic, and also the challenges currently being faced.

3.0 Report Details

Active enforcement and monitoring cases

- 3.1 There are currently 333 active enforcement cases and 245 active Development Monitoring cases (279 active cases reported in July 2020). The Council has received a total of 109 new planning enforcement cases since the last Committee report and 30 new Monitoring cases.
- 3.2 The number of open cases had been steadily reducing over the last 12-18 months, however, a recent rapid increase in cases received, along with some staff changes and the impact of the Covid-19 restrictions has meant that progress has slowed and unfortunately case numbers have begun to rise again.

- 3.3 During the lockdown period, there was a significant amount of time that site visits did not take place at all, therefore meaning that the usual progressing of cases could not occur. Site visits have resumed, but these are mostly limited to external visits with fewer internal visits carried out after risk assessments.
- 3.4 The team are working hard to prioritise and progress those enforcement cases causing the most significant planning harm and also to bring the case numbers back down.
- 3.5 The Department appear to be receiving higher numbers of cases each month when compared to previous years. This could be attributed to people spending more time at home and therefore having more time for self-home improvements, coupled with more people witnessing breaches of planning control for the same reason of being home for more prolonged periods.
- 3.6 There had also been some short-term staff issues in the team with one enforcement officer leaving the team during the summer. The team has now successfully recruited a replacement enforcement officer who began their position on 1 September, and this is anticipated to help drive forward case progression.
- 3.7 In addition, the team is looking to recruit a new Principal Enforcement Officer. This is a new position in the team to offer greater support to the Team Leader in driving forward the most controversial and complex breaches through to formal action.

Notices issued and prosecutions

- 3.8 It was reported at the last Committee meeting that the Council had temporarily halted the issuing of formal notices during the period of lockdown. Since the last report, re-issuing enforcement notices has begun as reported in the table below.
- 3.9 A number of prosecutions are being pursued with 5 prosecution hearings being held in October. It was hoped these would be determined by the time of the writing of this report, however the dates of hearings are not within the Councils control. The updates of these prosecutions will be reported at the next quarterly update

Updates to significant ongoing cases

- 3.8 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 tables are broken down to show the notices issued Pre- 2020, Jan-March 2020 and then again for this last quarter since notices have been reissued again March 2020-October 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. with the results of recently resolved cases following formal action are also shown but will be removed in subsequent reports to show only current enforcement cases.

Pre-2020 Notices

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	<p>Court hearing was scheduled for April for non-compliance with enforcement notice. All Court Hearings postponed for Covid-19.</p> <p>First hearing in Court was scheduled for 7 August. However, this was rescheduled to Friday 2 October.</p>
12/00020/ ECOU	The Pheasant Pluckers Inn, Burdrop, Banbury	EN	09/02/12	Change of Use of Public House to C3 Dwellinghouse	<p>Latest planning appeal refused for change of use from pub to C3 residential use.</p> <p>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.</p>
17/00237/ ENFC	Land Parcel 2783 Street from Cropredy To Great Bourton Cropredy	EN	15/03/18	Mobile Home sited in field	<p>Court hearing was scheduled for April for non-compliance with enforcement notice. All Court Hearings postponed for Covid-19.</p> <p>First hearing was in Court on 7 August. However, this was postponed to Monday 28 September for a case management hearing. Defendants pleaded not guilty. Trial now set for 17 March 2021</p>

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
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. Initial visit attempted and contact made with owners. Full 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

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
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 opening	No right of appeal 09/03/20 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,	EN	13/02/20	Change of use of	Appeal not accepted by PINS – submitted out of

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
	Kidlington.			dwellinghouse to a guesthouse	time Compliance date of notice 18/08/20 Visit required to establish if notice has been complied with.
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. Work underway to locate the owner of the site.

Notices March-October 2020

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
19/00225/ ENFC	40 The Daedings, Deddington, Banbury, OX15 0RT	EN	21/08/20	Siting of a shipping container on front driveway	Not appealed. Compliance period was set for 21 October 2020. Recent visit confirms container has been removed and the breach is now resolved
19/00233/ ENFC	Horse And Groom Inn Main Road Milcombe OX15 4RS	EN	21/08/20	Installation of a kitchen extraction and air input system	Not appealed. Compliance period was set for 21 October 2020. Current application for new equipment with improvements to noise/smell emissions currently under consideration. To be reviewed following decision.
18/00232/ ENFC	47 Easington Road	EN	14/09/20	Use of outbuilding	Recipients of the notice have until 14 October 2020

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
	Banbury OX16 9HJ			as self-contained dwelling-house	to submit an appeal to PINS.

EN – Enforcement Notice
 BCN – Breach of Condition Notice
 PINS – Planning Inspectorate

4.0 Conclusions and Reasons for Recommendations

4.1 Members 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 Comments checked by

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Legal Implications

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

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8.0 Decision Information

Key Decision

N/A

Financial Threshold Met:

N/A

Community Impact Threshold Met:

N/A

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 number and title

None

Background papers

None

Report Author and contact details

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