

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

2 July 2009

Agenda Item Number	Page	Title	Reason Not Included with Original Agenda
8.	(Pages 1 - 16)	Enforcement and Prosecution Quarterly Report – 2 July 2009	Information not available at time of Agenda despatch

If you need any further information about the meeting please contact Democratic Services democracy@cherwell-dc.gov.uk 01295 221554

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
PROS 27/03 4.09.03 PROS 13/06 15.06.06	Hanwell Fields Banbury	Breach of Sec 106 agreement relating to LAPS & LEAPS and laying out of informal open space	Court order 04.09.08	Various dates in 2009	N/A	N/A	N/A	Court Orders made against developer to complete outstanding works. SV carried out after Christmas revealed some progress but incomplete. Developer has a list of outstanding matters.
ENF 31/03 16.10.03 ENF 16/04 15.01.04	Rose Lodge Bucknell Lane Middleton Stoney	Mobile home	Notices served 24.11.04	03.01.05	Planning Appeal 06/01647/F Dismissed 07.08.08 09/00149/F	Enforcement appeal dismissed 30.06.05	30.06.06	Criminal investigations are on hold pending the re-submission of an application for, inter alia, temporary mobile home for a period of 3 years.
ENF 38/04 25.11.04 ENF 21/05 13.10.05	OS 2000 Land NE of Rectory Close, Wendlebury	(i) Summerhouse jetties and decking, (ii) Bridge	Notices served 18.05.05 8.12.05	29.09.05	(i) 04/02713/F (ii) 05/01603/F	Dismissed 05.02.07	05.10.07	Compliance delayed by protected species. Copy of report from consultants received by CDC on 25.9.08 concluding that the work would not have a significant negative impact on in the short-term on any local great crested newt population and advised that work be undertaken ASAP by the end of the summer. Natural England advised CDC works should be delayed until the Summer. Method statement submitted to and approved by Natural England.

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ENF 2/06 16.02.06	Bodicote Post Office 43-45 Molyneux Drive Bodicote	Non-compliance with approved plans 04/01317/F	Enforcement Notice served 24.01.07	07.09.07	04/01317/F – extns and new flats approved 26.11.04 06/00278/F – extns and new flats refused 18.04.06 09/00315/F	Dismissed 01.11.07	01.05.08	Informal submission unacceptable. Some dismantling work has taken place. Criminal proceedings commenced. Trial date for 20.04.09. 15.05.09 undertaking made to the court by Mr & Mrs Ayres who also agreed to pay £250.00 towards the Council's costs Works proceeding in compliance.
ENF 5/08 Delegated	Corner Farm Oakley Road Horton-cum-Studley	Use of land as a builders/ engineers yard	Enforcement Notice served 28.02.08	12:10:08 & 12.04.09				Compliance of the 12.10.08 element has been achieved.
ENF 14/07 Delegated	Corner Farm Oakley Road Horton-cum-Studley	Use of land as builders yard, lighting columns, building as a builders office and store	Enforcement Notice served 28.06.07	09.02.08 & 09.06.08		Dismissed 05.08.08	05.08.09 and 05.03.10	
ENF 16/07 Delegated	OS Parcel 0006 Foxfield Farm, Ardley	Stationing of caravan, erection of sheds, fencing & containers in conjunction with use of land for residential, storage and employment	Enforcement Notice served 17.10.08	3.12.09	06/01542/F appeal dismissed 9.11.07	Enforcement Appeal lodged		Hearing scheduled for 08.07.09 tbc. Appellants requested adjournment pending determination of new application.

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BCN 19/07 17.05.07	60A Foxdown Close Kidlington	Failure to block up access as required by condition attached to 04/01504/F	Enforcement Notice served 11.09.07	12.12.07	08/01824/F and 08/01925/LB for wall with pedestrian access Approved 04.11.08			Criminal investigation following non-compliance on hold pending implementation of approved application 08/01824/F within prescribed time deadline of 4.02.09. SV on 5.06.09 revealed works largely complied with.
ENF 29/07 CAC ENF 39/07 20.09.07	Brooklands Nursing Home 12-14 Dashwood Road, Banbury	Access ramp and railings to front of premises	Enforcement Notice served 29.01.08	11.05.08	07/01349/F 07/01928/CAC appeals dismissed 31.03.08 08/01304/F approved	Enforcement appeals withdrawn	25.10.08	Revised application approved on 24.07.08 requiring completion of approved works by 25.10.08. Works not undertaken. Letter sent requesting explanation and advising prospect of prosecution. Response received advising work should be completed by end of December 2008. SV 10.03.09 revealed works incomplete. Awaiting explanation from owner. 11.05.09 Complied with. This item will not appear next time
ENF 34/07 15.11.07	Bradscot, Cross Hill Road, Adderbury	Extension not built in accordance with approved plans	Enforcement Notice served 19.05.08	30.09.08	05/01040/F and 05/01041/LB approved 08/00349/F refused	Appeal lodged 17.06.08 against both the ENF and the planning refusal	09.08.09	Appeal decision received- notice varied, compliance period extended to 6 months

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ENF 38/07 13.12.07	33-34 Merton Street, Banbury	House not built in accordance with approval	On hold pending compliance with conditions		a)05/01156/F b)08/00076/F Appeal dismissed 27.11.08 against conditions imposed c) 09/00521/F ref 29.04.09		27.05.09	Following dismissed appeal, compliance with conditions required. SV 09/06/09 revealed car port still blocked off. If no appeal received against 09/00521/F and still no compliance with conditions, enforcement action to be pursued.
ENF 40/07 13.12.07	Savee Farm Hornton Lane Horley	Breach of condition 4 relating to agricultural occupancy	Enforcement Notice served 09.04.08	15.06.08	CHN.531/89	Appeal lodged 14.05.08		Following the submission of new evidence from the appellant, the Council has withdrawn the enforcement notice. An application for a full award of the Council's costs has been submitted to the Planning Inspectorate based upon the appellant's unreasonable behaviour. This item will not appear on the next Agenda
ENF 6/08 Delegated	OS Parcel 2348 West of Point to Point House, Mollington	Farm building	Enforcement Notice served	25.10.08	Retrospective 07/02517/F Appeal dismissed 10.12.08	Appeal dismissed 10.12.08	01.06.09	Compliance period extended from 10.04.09 following request from owner regarding the requirements of the lambing season. Building in the course of being dismantled.
ENF 9/08 10.04.08	Plot 2 adj. to Oxford Canal, Appletree Lane, Cropredy	Mixed use of land – part agricultural land, part storage and domestic paraphernalia						Owner has been willing to tidy site and restore all land back to agriculture. Legal have written to the owners to request the removal of remaining offending items. Owner claims offending items should be in plot 1 and will be amending the plot plan appropriately.

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ENF 12/08 10.04.08	Plot 5 adj. to Oxford Canal, Appletree Lane, Cropredy	Mixed use of land for agric, garden assoc with mooring of narrow boat on adj canal, & storage of vehicles, caravans & trailers						The owners have been invited to submit a CLUE application for the garden part of the site and legal are satisfied that the use of that part of the site has been established for over 10 years. The agricultural land needs to be cleared of remaining domestic paraphernalia & building materials.
ENF 13/08 10.04.08	Plot 6 adj. to Oxford Canal, Appletree Lane, Cropredy	Garden use associated with the mooring of a narrow boat on the adj canal and storage use						Site reviewed by Officers. Evidence reveals use and development have intensified within the last ten years. Legal have invited a retrospective planning application before enforcement action is pursued.
ENF 14/08 10.04.08	Plot 7 adj to Oxford Canal, Appletree Lane Cropredy	Garden use associated with the mooring of a narrow boat on adj canal						Site reviewed by Officers. Evidence reveals use and development have intensified within the last ten years. Legal have invited a retrospective planning application before enforcement action is pursued.
PROS 15/08 10.04.08	Wabag Aynho Road Adderbury	Failure to comply with S 106 relating to remedial works On public open space			02/02002/F			Remedial works undertaken. To be checked by CDC. Charles Church office closed, Persimmon now involved and being pursued. Landlord, Satnam Investments should be pursued under S106.

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ENF LB 18/08 26.06.08	Greystones Middle Street Islip	Removal of stonesfield slates and insertion of velux window in north elevation	Listed building Enforcement Notice served 03.11.08	15.09.09	04/00035/F 04/00036/LB	Appeal lodged		Hearing 16.06.09
ENF 19/08 Delegated	22 Milton Street Banbury	Dormer window	Enforcement Notice served 10.09.08	05.05.09	Revised application 08/01600/F refused 22.08.08. Appeal lodged	Appeal lodged 4.11.08	11.11.09	Appeals dismissed 11.05.09
ENF LB 35/08 7.08.08	1 White Lion Walk, Banbury	Sign on front elevation			08/02165/ADV 08/02483/LB			Requisition served and returned Advertisement and LB applications permitted with conditions to remove the sign by 26.03.09. Compliance achieved and this item will not appear on the next quarterly report.
08/00609/E COU 18.08.05	Lone Barn Stoke Lyne	Storage of Building materials. Use of land as extended residential etc Curtilage with domestic paraphernalia	Enforcement notice served 20.10.08	01.01.09		Appeal lodged 24.11.08		Inquiry 23.06.09 will not now take place as this element of the case is likely to be pursued as written representations (see below).

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08/00610/E BCON 18.08.05	Lone Barn Stoke Lyne	Use of stables as dwelling and breach of condition.	Enforcement notice served 20.10.08	01.01.09		Appeal lodged 24.11.08		Inquiry scheduled for 23.06.09 will not now take place as the EN has been withdrawn in the light on new evidence received. New notice served 11.06.09 in respect of fresh breach of condition – see below.
09/00366/EB CON	Lone Barn Stoke Lyne	Use of stables as dwelling and breach of condition.	Enforcement notice served 11.06.09	22.01.10				
08/00716/E UNDEV 9.10.08	88 West St Banbury	Bricked up doorway	Enforcement notice served 23.03.09	04.08.09				
08/00775/E BCON Delegated	Rock of Gibraltar PH Enslow Wharf Enslow	Breach of condition 2 of 07/01247/F relating to removal of awning	Enforcement notice served 17.11.08	22.01.09	08/00825/F Planning Appeal in progress 14.11.08	EBCON & EBCONLB appeals received & in progress		Appeal decisions awaited.
08/00803/E COU 18.09.08	Astell Farm Claydon	Portable toilet use and portable office unit	Enforcement notice served 21.11.08	05 04.09		Appeal received & in progress		

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09/00013/ ECOUC	OS Parcel 0717 adj & West of Southam Road, Mollington	Change of use of land to Gypsy caravan site	Enforcement Notice served 29.01.09	30.03.09 (use of land) 27.04.09 (removal of all development)	08/00604/F Appeal upheld 09/00622/F to extend the site for a total of up to 6 caravans still pending.	Appeal received 25.02.09		Appeal Enforcement Hearing to be held on 06/08/09. The outcome of 09/00622/F will have a bearing on the enforcement proceedings.
09/00030/ EPCN	Bicester Golf & Country Club, Akeman St, Chesterton	Non-compliance with condition 7 That the overnight accommodation shall be occupied only by members of the Club, their guests and members of visiting golf societies.	PCN served 23.01.09		03/01050/F			Premises being advertised as overnight accommodation available to the public. Response to requisition received and legal are considering the evidence. Counsel's opinion obtained and is being considered.
09/00059/ EUNDEV Committee (29.01.09)	Field Cottage Fritwell Road Fewcott Ardley with Fewcott	Mobile Home & hardstanding	Requisitions served		09/00290/CLUE			CLUE application received on 03.03.09 but withdrawn just prior to a decision. A fresh CLUE with more evidence is due by the end of June 2009.
09/00060/ ECOUC Committee (29.01.09)	Field Cottage Fritwell Road Fewcott Ardley with Fewcott	COU from agricultural to domestic garden	Requisitions served		09/00290/CLUE			CLUE application received on 03.03.09 but withdrawn – see above.

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09/00132/ PROS	Land at the junction of Banbury Road and Bloxham Grove Road Bloxham	Unauthorised sign	Requisitions served 28.01.09					Prosecution being prepared.
09/00159/ EBCON	Land adjoining Home Farm Clifton	Breach of condition 14 relating to vision splay requirements	Requisition served 1106.09		05/00266/F			Planning application expected.
09/00226/ EBCON	JK News 43 The Fairway Banbury	Breach of condition 1 requiring alterations to the ventilation unit	Requisition served 1106.09		07/02554/F			
09/00268/ EBCON	Waltons Cottage South Green Kirtlington	Breach of condition 1 requiring extension works to be completed by 3.04.09	Requisition served 1106.09		08/02449/F			
09/00286/ ECOUC	OS Parcel 8000 adjacent to the street from Wigginton to Hook Norton Wigginton	Change of use from agriculture to B1 light industrial use			08/00365/F			Nature of breach to be analysed further in meeting with Legal.

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09/00288/ EBCON	Building and land south of Manor Farm and west of Priory Cottage adjoining Mollington Road Claydon	The building is not being used for agricultural purposes in breach of condition 4 of 05/01829/F			05/01829/F			
09/00293/ EBCON	The Potteries High Street Barford St Michael	Breach of condition 10 of 04/01151/F relating to car park surfacing			04/01151/F			

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Heyford Park Appeals					Main Appeal - 08/00716/OUT for new settlement of 1075 dwellings, together with assoc works and facilities including employment uses, community uses, school playing fields and other physical and social infrastructure. Related CA consent appeals.			<p>Planning Inquiry took place between 30 September and 24 October. 2008. Inspector to prepare report for the Secretary of State regarding the main appeal and related conservation area consent appeals. Once decision is received on these matters, a decision will be made on the process to determine the outstanding enforcement appeals at Heyford Park.</p> <p>Decision now awaited on the lead appeal and linked conservation area consent appeals.</p>
ENF 20/06 27.07.06 PROS 3/08 Delegated	Former Walon site	Use for car storage and distribution in breach of 04/01690/F	Notice served 28.11.06	09.01.07				Only part compliance of enforcement notice. Delegated resolution to prosecute for failure to comply with the requirements to restore land and buildings to original condition. Consulting English Heritage regarding the external finishes of hangers
ENF 2/07 Delegated	Building 3209	Commercial storage in breach of 05/01969/F	Notice served 23.01.07	6.03.07		Appeal dismissed 1.11.07	01.11.08	Full compliance expected by mid January 2009 after which time a criminal investigation will be undertaken

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ENF 20/07 Delegated	Buildings 324, 327 and 328	Use of building and hardstanding for storage, refurbishment of cranes and access equipment	Notice served 2.08.07	7.09.08		Appeal turned away as invalid by Planning Inspectorate as lodged out of time		Complied with 9.10.08. This item will not appear on the next schedule
ENF 30/07 Delegated	Building 345	Use for storage, processing and distribution of timber and timber products	Notice served 14.12.07	25.01.09		Appeal received		
ENF 31/07 Delegated	Northern Bomb Stores	Storage and distribution of fireworks	Notice served 14.12.07	25.01.09		Appeal received		
ENF 32/07 Delegated	Southern Bomb Stores	Storage of fireworks	Notice served 14.12.07	25.01.09		Appeal received		
ENF 33/07 Delegated	Building 325	Use of building and hardstanding for storage, refurbishment of cranes and access equipment	Notice served 14.01.08	18.02.09		Appeal received		
ENF 35/07 Delegated	Building 320	Use for storage and distribution of timber and timber products	Notice served 11.01.08	15.02.09		Appeal received		

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ENF 36/07 Delegated	Buildings 88 and 381	Continued use as storage and assembly of environmental control equip	Notice served 22.01.08	4.03.09		Appeal received		
ENF 37/07 Delegated	Building 442	Continued use as a training facility	Notice served 6.02.08	14.03.09		Appeal received		
ENF 7/08 Delegated	Building 41	Change of use to temporary residential class C3 accommodation	Notice served 16.05.08	20.06.09		Appeal received		
ENF 16/08 Delegated	Building 293	Change of Use to light industry (screen printers)	Notice served 22.07.08	29.08.09		Appeal received		
ENF 17/08 Delegated	Building 221	Change of Use of part of building for timber machining, fabrication, woodworking and admin office by Darks Ids Ltd	Notice served 11.09.08	15.10.09		Appeal received		
ENF 21/08 17.07.08	Land and buildings	Change of Use of land and buildings by Paragon in breach of 07/01260/F	Notice served 3.09.08	6.10.09		Appeal received		

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ENF 22/08 17.07.08	Buildings	Change of use of buildings by Paragon in breach of 07/01259/F	Notice served 3.09.08	6.10.09		Appeal received		
ENF 23/08 17.07.08	6 lamp posts	Use by Paragon in breach of 07/01262/F	Notice served 10.09.08	11.10.09		Appeal received		
ENF 24/08 17.07.08	2 lamp posts	Use by Paragon in breach of 07/01264/F	Notice served 9.09.08	10.10.09		Appeal received		
ENF 25/08 17.07.08	Building 2002	Change of use in breach of 07/01268/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 26/08 17.07.08	Building 3205	Change of use of building in breach of 07/01265/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 27/08 17.07.08	Trench and concrete	Change of use in breach of 07/01266/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 28/08 17.07.08	3 Hardened aircraft shelters	Change of use in breach of 07/01267/F	Notice served 2.09.08	3.10.09		Appeal received		

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ENF 29/08 17.07.08	Liquid petroleum gas tanks and air intake duct	Use by Paragon in breach of 07/01263/F	Notice served 8.12.08	19.01.10		Appeal received		
ENF 30/08 Delegated	Building 103	Use of building by Kingsground narrow boats	Notice served 14.11.08	22.12.09		Appeal received		
ENF 31/08 Delegated	Building 221	Use of part of building as warehouse, offices and storage by European Promotion UK Ltd						Compliance achieved 19.09.08. This item will not appear on the next schedule
ENF 32/08 Delegated	Building 3053	Change of use to B8 storage by NOC	9.10.08	14.11.09		Appeal received		
ENF 33/08 Delegated	Building 3031	Change of Use of bldg to storage of vehicles assoc to management and operation of press and marketing vehicles by Parkers	Notice served 19.01.09	2.03.10				

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ENF 34/08 Delegated	Building 221	Change of Use to management and operation of press and marketing vehicles by Parkers	Notice served 10.10.08	17.11.09		Appeal received		