

**Enforcement and Prosecution Quarterly Report – 1 October 2009**

**APPENDIX 1**

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 09/01016/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. New application to go to cttee 22.10.09
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. Email sent to Agent, works must be carried out by the end of Sept

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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	1.11.09	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 but unlikely to be completed by the compliance date.
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. Landscaping to be completed in this planting season 2009/10
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	Offices still occupied, Fennels to re-locate within the site, letter expected. Verbal update to be given
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  09/01064/F	Enforcement Appeal withdrawn	24 June 2010	Appeal withdrawn 24 June 2009. New planning application to be submitted early Jul 2009. Application received but invalid

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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.  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 09/00801/F wdn 16.07.09  09/01181/F 09/01182/LB	Appeal dismissed 9.02.09	09.08.09	Appeal decision received- notice varied, compliance period extended to 6 months  New applications 09/01181/F & 09/01182/LB received 28.08.09
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  09/01113/F		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.  Application received 09/01113/F

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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 has been demolished. Conditions still to be complied with
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.
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.

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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.
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 dismissed 7.08.09	7 August 2012	Hearing 16.06.09. Wording of the notice varied, compliance period extended, appeals dismissed 7 August 2009
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 Dismissed	11.11.09	Appeals dismissed 11.05.09 New application 09/00764/F refused 10.08.09. Letter to be sent 11.10.09 and remind owner 4 weeks left to comply

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08/00604/ BCON	Lince Lane Copse	Breach of conditions 02/02064/F						Letter to be sent requesting a timetable for compliance with conditions regarding footpath and car park
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 Dismissed	10.10.09	Appeal Dismissed 10.07.09
08/00716/E UNDEV  9.10.08	88 West St Banbury	Bricked up doorway	Enforcement notice served 23.03.09	04.08.09				Complied with 24.08.09 This item will not appear next time
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 dismissed 8.09.09	EBCON & EBCONLB Dismissed 08.09.09	8.11.09	Appeals dismissed 08.09.09 Compliance period extended to 2 months
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 Dismissed	27.11.09	Appeal Dismissed 27.08.09 Site has been vacated This item will not appear next time

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09/00013/ ECOU	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.			Enforcement notice withdrawn 29 June 2009 as new application approved July 2009 This item will not appear next time
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.  New application to be submitted by end of September 09
09/00059/ EUNDEV  Committee (29.01.09)	Field Cottage Fritwell Road Fewcott Ardley with Fewcott	Part of land for the stationing of a mobile home			09/00887/CLUE approved			Clue application approved. Recommend that enforcement action is rescinded
09/00060/ ECOU  Committee (29.01.09)	Field Cottage Fritwell Road Fewcott Ardley with Fewcott	COU from agricultural to domestic garden	Requisitions served		09/00290/CLUE			Correspondence received

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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					Sign is on highway land Prosecution being pursued by OCC initially. CDC have given OCC until September to deal with this.
09/00159/ EBCON	Land adjoining Home Farm Clifton	Breach of condition 14 relating to vision splay requirements	Requisition served 1106.09		05/00266/F 09/00944/F			New Planning application 09/00944/F refused 14.09.09 Enforcement notice to be drafted
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			Work to be completed by 15 August 09. Legal instructed to serve BCON
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			Site visit 27.07.09 – back wall taken down & re-built This item will not appear next time
09/00286/ ECOU	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			Following meeting with officers planning application and clue applications to be submitted. Other unauthorised buildings to be removed.



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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			Officers to undertake internal inspection with a view to serving a BCON
09/00293/ EBCON	The Potteries High Street Barford St Michael	Breach of condition 10 of 04/01151/F relating to car park surfacing	Notice served 23.07.09	23.09.09	04/01151/F			Works still to be undertaken
09/00296/ EUNDEV	Glebe Farm Poultry Houses Fringford	Mobile Home						Clue refused, appeal to be lodged. Instructions sent to legal Requisitions served, no response received.
09/00366 EBCON	Lone Barn Stoke Lyne	Use of stables as dwelling and breach of condition	Enforcement notice served 11.06.09	22.01.10	01/01749/F			Stables not being lived in Complied with. This item will not appear next time
09/ EUNDEV	Land at Patrick Haugh/Harris Road, Upper Arccott	containers						Requisitions served

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<b>Heyford Park Appeals</b>					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>Inspector's report completed and is with the Secretary of State. Request for further information received, decision delayed until January 2010 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. Partially complied

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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 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		Appeal Received 2.03.09		

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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		