

Cherwell District Council

Planning Committee

24 October 2019

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, formal notices served, and enforcement action taken.

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 July 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 9 October 2019, 330 active enforcement cases. The Department receives over 400 new enforcement cases each year. Based on this figure the Department should be looking to have approximately 200 live cases open, with the maximum of this stretched to 250.
- 2.3 As was reported at July's Committee, the number of live cases was over double the upper limit this target number over 12 months ago (over 550 live cases). Whilst the current number of live enforcement cases remains above this threshold, it continues to reduce on a monthly basis. The enforcement team continues to tackle the backlog of cases.
- 2.4 The report details a proposal for a quarterly electronical update to members identifying opened and closed cases in their respective areas along with case

reference numbers, location, case officer and nature of problem reported. The details of this need to be finalised and agreed with legal, however it is envisaged that this will give Members a better overview of the issues at hand in their respective areas.

2.5 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. Prosecution being considered.
Godwins Farm, North Aston, Bicester	Enforcement Notice issued March 2019 for use for one static caravan. Compliance date for removal January 2020.
The Pheasant Pluckers Inn, Burdop, 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.
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 considered. Ongoing investigation into additional works at the site.

4.0 Investigations Summary

4.1 Since the beginning of July the Council has received 115 new cases and in the same period closed over 140 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 identified. 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. We are working towards reporting ability for details of reasons for closure on enforcement cases.

- 4.2 There are over 5 enforcement notices and 3 prosecutions currently in preparation and with legal for checking. Enforcement notices served will be reported at the next quarterly update as well as any successful prosecutions.
- 4.3 The enforcement team has recently had to use its powers to take 'direct action' to secure compliance with both an enforcement notice and a S215 Notice. The first removed an unauthorised caravan from land and the second involved entering land to tidy the land and make good a house that had fallen into disrepair and was affecting the amenity of local residents. In both cases, negotiations with the land owners had completely failed and the enforcement team had no other option to secure compliance. Prosecutions are also being considered on both cases.
- 4.4 As updated at the July meeting, a new computer system has been implemented in the Planning Department. This is still being improved in order to streamline the service and make improvements to how we work. One of the key improvements being worked on is the ability to provide better reporting functionality which will allow more detailed reports on enforcement investigations and performance to be provided.
- 4.5 Once the above is in place we will be looking to provide more information however it must be borne in mind that due to the sensitive nature of enforcement cases that much of the information during the investigation stage cannot be placed in the public domain.

5.0 Conclusions and Reasons for Recommendations

- 5.1 The Councillors are asked to note the report and to endorse the further work proposed and reporting.

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.

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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

Appendix No	Title
1	Enforcement Data
Background Papers	
None	
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