

Cherwell District Council

Planning Committee

15 April 2021

Planning Enforcement Report

Report of Assistant Director - Planning and Development

This report is public

Purpose of Report

To update Members on current planning enforcement activity following the last report in January 2021.

1. Recommendation

The meeting is recommended:

- 1.1 to note the contents of the report.

2. Introduction

- 2.1 This report provides a quarterly overview of planning enforcement work and updates Members following the last report in January 2021.
- 2.2 It provides an update on enforcement cases where formal notices have been served.

3. Report Details

Active enforcement and monitoring cases

- 3.1 There are currently 358 active enforcement cases and 234 active development monitoring cases (compared to 334 and 239 respectively as last reported in January). At the time of writing, the Council has received a total of 84 new planning enforcement cases and 13 new monitoring cases since January 2021.
- 3.2 The number of open cases had been steadily reducing before the pandemic. During the early stages of the pandemic there was a rapid increase in the number of cases received and it was more challenging for enforcement investigations to progress. This situation stabilised but remains challenging

as national and local circumstances change. Site visits / access to sites continue to be less straight forward than would otherwise be the case and monthly case numbers remain relatively high.

- 3.3 Officers have continued to overcome these issues despite the challenges of the most recent lockdown.

Notices issued and prosecutions

- 3.4 Formal enforcement action still continues despite the third lockdown, albeit with regard to Government guidance and temporary changes to legislation designed to assist local businesses.

- 3.5 Prosecutions:

- **Jacks Barn, Launton** – Non-compliance with an Enforcement Notice.
The Council pursued a prosecution in this case over the continued operation of sheet metal business from an agricultural barn.

The case was heard at Oxford Magistrates Court on 22 March 2021 at which the owner pleaded guilty and was fined £6000 with an award of £6000 costs.

- **Land Parcel 2783 between Great Bourton and Cropredy** – Storage of a mobile home.

The case was heard at Oxford District Court and adjourned until 9 July 2021. Both defendants have pleaded not guilty.

- 3.6 As Members are aware, officers have been dealing with a very serious breach of planning control at Manor Park, Kidlington and have sought to pursue an injunction. Further detail is provided below.

Updates on significant ongoing cases

- 3.7 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. The tables only show outstanding enforcement cases where formal action has been taken and cases remain unresolved. However, recently resolved cases are included shown to show progress and outcomes. Live enforcement investigations (without formal notices) are not reported upon.

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	Owners have now largely complied with enforcement notice.

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
					<p>Since the last report, planning permission has been granted for the retention of the track to support the on-going agricultural use at the site.</p> <p>The breach has now been resolved and the Notice complied with as such the case has been closed.</p>
12/00020/ ECOU	The Pheasant Pluckers Inn, Burdrop, Banbury	EN	09/02/12	Change of use from a public house to a dwelling	<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.</p> <p>Presently on hold due to the pandemic and associated uncertainty affecting public houses.</p>
17/00237/ ENFC	Land Parcel 2783 Street From Cropredy To Great Bourton Cropredy	EN	15/03/18	Mobile Home sited in field	Court hearing now 09/07/2021.
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	<p>Appeal dismissed. Compliance due 1 July 2020.</p> <p>Presently on hold due to the pandemic and associated uncertainty affecting public houses.</p>
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	<p>Compliance date for removal of caravan was January 2020.</p> <p>Notice not yet complied with but working with owners and closely with housing colleagues to ensure the housing needs of the</p>

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
					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 being heard at Informal Hearing scheduled for 25 January 2021. This has been rescheduled and will now be heard on 21 April 2021
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. Planning application received 20/3551/F - Change to operating hours and insertion of door between the two units – Retrospective – currently being determined.
18/00309/ ENF	84 Green Road, Kidlington.	EN	13/02/20	Change of use of dwellinghouse to guesthouse	Notice now complied with and case closed.
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. In the hands of receivers who are being made aware

					of need to comply with the notice.
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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	Notice complied with – case closed.
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	<p>Not appealed.</p> <p>Compliance period was set for 21 October 2020.</p> <p>Pub has ceased use of extraction system and is seeking to find a resolution to the noise and smell issues with view to regularise.</p> <p>A further planning application has been received and is awaiting determination.</p>
18/00232/ ENFC	47 Easington Road Banbury OX16 9HJ	EN	14/09/20	Use of outbuilding as self-contained dwellinghouse	<p>Notice was not appealed.</p> <p>Owner has advised that the notice has been complied with. Site visit required to confirm and case can be closed.</p> <p>Compliance due by 14/04/2021</p>

Notices October 2020 - January 2021

Ref Number	Address	Type of Notice	Date Served	Breach	Commentary
19/00161/ ENFC	The White House, Heathfield, Kidlington, OX17 1QL	EN	01/10/20	Erection of two units of residential accommodation with associated residential curtilages.	Appeal has been lodged, official 'start date' received from Planning Inspectorate but no date for Hearing yet set.
19/00161/ ENFC	Sharawle Main Street Great Bourton OX17 1QL	EN	19/10/20	Failure to comply with Condition 3 of Planning Permission 19/01217/F, Regarding Screens.	No appeal received. Compliance with notice to provide correct screening by 19 February 2021. A site visit is to be conducted and Members updated at the next meeting
19/00161/ ENFC	Sharawle Main Street Great Bourton OX17 1QL	EN	19/10/20	Erection of a steel staircase leading down from balcony.	No appeal received. Compliance with notice to remove rear staircase from balcony by 19 February 2021. As above.
18/00162/ ENFC	Lince Lane Copse, Lince Lane, Kidlington	EN	30/10/20	Change of use of the land for the siting of a mobile home being used as residential accommodation	No appeal received. The Notice has now been complied with and the case closed.

EN – Enforcement Notice
BCN – Breach of Condition Notice

Injunction at Manor Park, Kidlington

- 3.8 At the beginning of October, officers were made aware that a licenced and permitted Gypsy and Traveller site known as 'Manor Park' was not being used for its authorised use. The site has planning permission to be used as a Gypsy and Traveller site for no more than 11 pitches, each pitch consisting of 1 mobile home, one touring caravan and one utility day room. The site is strictly for the use of those from the Gypsy and Traveller community. The site lies within the Oxford Green Belt where there is a presumption against development unless very special circumstances apply.
- 3.9 Officers visited the site and found the site to have almost 50 mobile homes being advertised for rent on the open market. Authority was given to pursue immediate enforcement action to resolve this issue and prevent serious and irreversible harm being caused. The Council sought to obtain an injunction to prevent any further mobile homes being brought onto the site and to prevent any further occupation of those mobile homes that were on the site but not yet occupied.
- 3.10 On 14 October 2020 the first hearing was held virtually and an interim injunction was granted by the judge in the High Court, Birmingham. The owners were not given notice of the proceedings due to the speed at which injunction was needed. Papers were then served at the site, including a date for a further hearing on 28 October 2020.
- 3.11 Defendants did not attend court on 28 October 2020 and the Judge granted a further interim order preventing any further occupation of vacant mobile homes and further mobile homes being brought onto the site. Papers were again served on defendants at the site with a new Order and new court date of 8 December 2020.
- 3.12 On 8 December 2020, officers again attended Court in order to seek a final injunction to secure that all but the authorised mobile homes on the site to be removed and for the site to be vacated by non-members of the Gypsy and Traveller community. Two of the defendants attended to plead their case. The Judge was not satisfied that a final injunction could be granted as all defendants had not attended and mitigation was put forward by the defendants that did attend. A further interim injunction was granted, however this added a requirement for all additional electrical hook-up pipes and all vacant mobile homes to be fully disconnected on the site.
- 3.13 At the further hearing in March 2021 a full injunction was awarded by the Court together with an interim award of £20,000 costs. The full Order has been served and the site is regularly monitored to ensure compliance. Officers will return to Court in June 2021.
- 3.14 During the latest visit to the site, when the latest interim injunction papers were served, it was observed that some of the vacant mobile homes were being removed from the site.

- 3.15 A planning application has now been submitted (currently invalid) for the change of use of the land to a 50 unit mobile home park.
- 3.16 This has been a challenging and time-consuming piece of work by the Planning Enforcement team but provides illustration that the Council is prepared to take swift action where required in dealing with serious breaches of planning control.

4. Conclusions and Reasons for Recommendations

- 4.1 The report provides a summary of the latest planning enforcement position which Members are invited to note.

5. Consultation

- 5.1 None

6. Alternative Options and Reasons for Rejection

- 6.1 None. The report is presented for information.

7. Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report. The report is for information only. The cost of planning enforcement is met from existing budgets other than in extraordinary circumstances.

Comments checked by: Karen Dickson, Strategic Business Partner, 01295 221900, karen.dickson@cherwell-dc.gov.uk

Legal Implications

- 7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by: Matthew Barrett, Planning Solicitor, 01295 753798 matthew.barrett@cherwell-dc.gov.uk

Risk Implications

- 7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by: Louise Tustian, Head of Insight and Corporate

Programmes, 01295 221786, louise.tustian@cherwell-dc.gov.uk
Equality & Diversity Implications

7.4 The recommendation does not raise equality implications.

Comments checked by: Robin Rogers, Head of Strategy, Policy, Communications & Insight, 07789 923206,
Robin.Rogers@Cherwell-DC.gov.uk

8. Decision Information

Key Decision:

Financial Threshold Met	N/A
Community Impact Threshold Met	N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

Planning enforcement activity assists in meeting the strategic priorities from the Business Plan 2020/21:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

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