

<b>This report is public</b>	
<b>Planning Enforcement Report</b>	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	26 March 2026
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Planning and Development Management
<b>Date Portfolio Holder agreed report</b>	16 March 2026
<b>Report of</b>	Assistant Director - Planning

## **Purpose of report**

To update Members on current planning enforcement activity within the last 2 years.

### **1. Recommendations**

The Planning Committee resolves:

- 1.1 To note the content of the report and current planning enforcement position.
- 1.2 To endorse the resumption of quarterly enforcement performance reporting.

### **2. Executive Summary**

- 2.1 This report provides an overview of planning enforcement activity over the past two years. Caseloads have remained broadly stable, with 508 new investigations opened in 2025 and 583 cases closed, resulting in a continued reduction of older cases.
- 2.2 The Council has taken formal action where required, issuing twelve notices in 2025 and securing positive outcomes including a successful prosecution for unauthorised tree felling in Adderbury and direct action to address long-standing untidy land issues in Banbury. Five enforcement appeals have been determined since January 2024, all supporting the Council's position.
- 2.3 Quarterly performance reporting will resume following a break since 2021.

## **Implications & Impact Assessments**

<b>Implications</b>	<b>Commentary</b>
<b>Finance</b>	There are no financial implications arising directly from this report.  Joanne Kaye, Head of Finance, 16 March 2026

<b>Legal</b>	There are no legal implications arising directly from this report, but that legal services provide advice and assistance to enforcement matters as required and will continue to do so.			Denzil Turbervill, Head of Legal Services, 16 March 2026
<b>Risk Management</b>	The service continues to manage increasingly complex cases well, though these pressures do require ongoing resourcing to sustain current performance. While appeal delays can slow compliance, the Council's strong track record helps maintain confidence. Continued focus on older cases will help prevent backlogs from re-emerging and support a resilient enforcement function. These and any other arising related risk are being managed through the service operational risk and escalated to the Leadership Risk Register.			Celia Prado-Teeling, Performance & Insight Team Leader, 16 March 2026
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		<input checked="" type="checkbox"/>		There are no implications arising from the gathering and publication of this data.
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		<input checked="" type="checkbox"/>		Not applicable
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		<input checked="" type="checkbox"/>		Not applicable
<b>Climate &amp; Environmental Impact</b>		<input checked="" type="checkbox"/>		Not applicable
<b>ICT &amp; Digital Impact</b>		<input checked="" type="checkbox"/>		Not applicable
<b>Data Impact</b>		<input checked="" type="checkbox"/>		Not applicable
<b>Procurement &amp; subsidy</b>		<input checked="" type="checkbox"/>		Not applicable

<b>Council Priorities</b>	Corporate plan priorities for 2025-2026: <ul style="list-style-type: none"> <li>• Economic prosperity</li> <li>• Community leadership</li> <li>• Environmental stewardship</li> <li>• Quality housing and place making</li> </ul>
<b>Human Resources</b>	N/A
<b>Property</b>	N/A
<b>Consultation &amp; Engagement</b>	Cllr J Conway, Portfolio Holder – Planning & Development Management

## Supporting Information

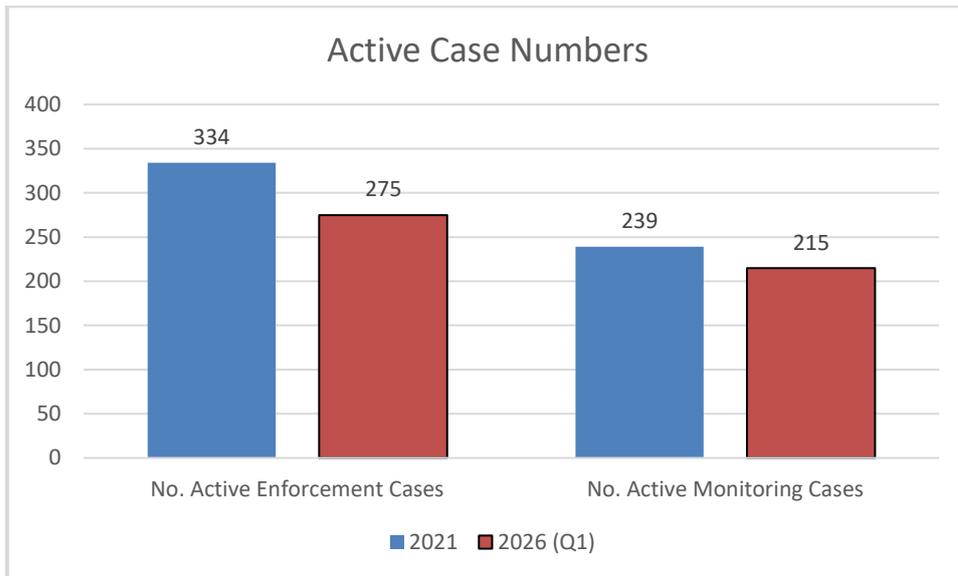
### 3. Background

- 3.1 This report updates Members on planning enforcement activity since 1 January 2024. It covers notices issued, appeal outcomes, prosecutions, direct action, and other key developments.
- 3.2 Enforcement reporting was paused in 2021. Caseloads have since stabilised, and the service has made significant progress in reducing older cases. Regular reporting will resume to ensure Members have clear visibility of trends and performance.
- 3.3 The report focuses on formal enforcement actions. Live investigations without formal notices are not included, as disclosing these could prejudice ongoing work.

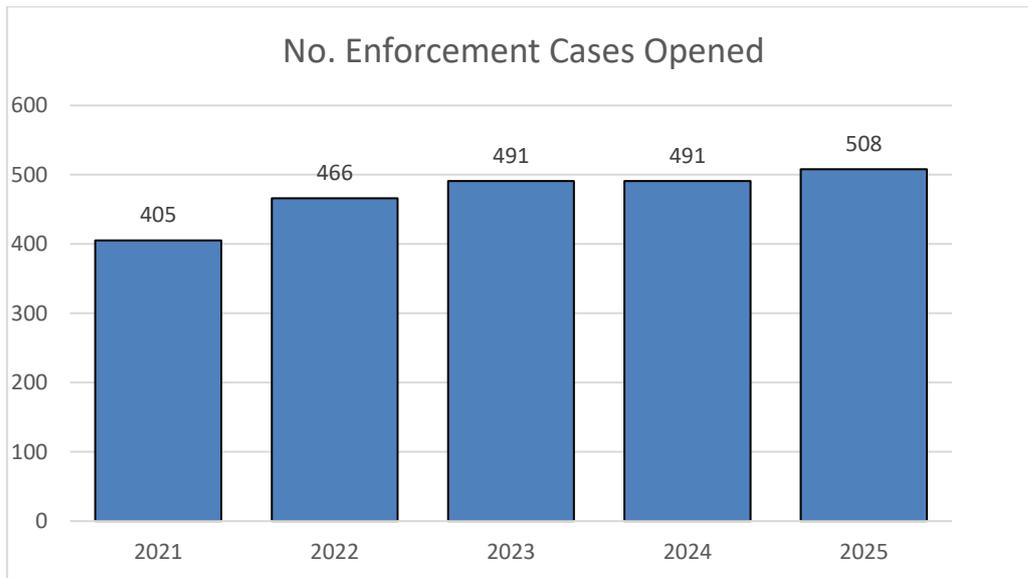
### 4. Details

#### *Caseloads and throughput*

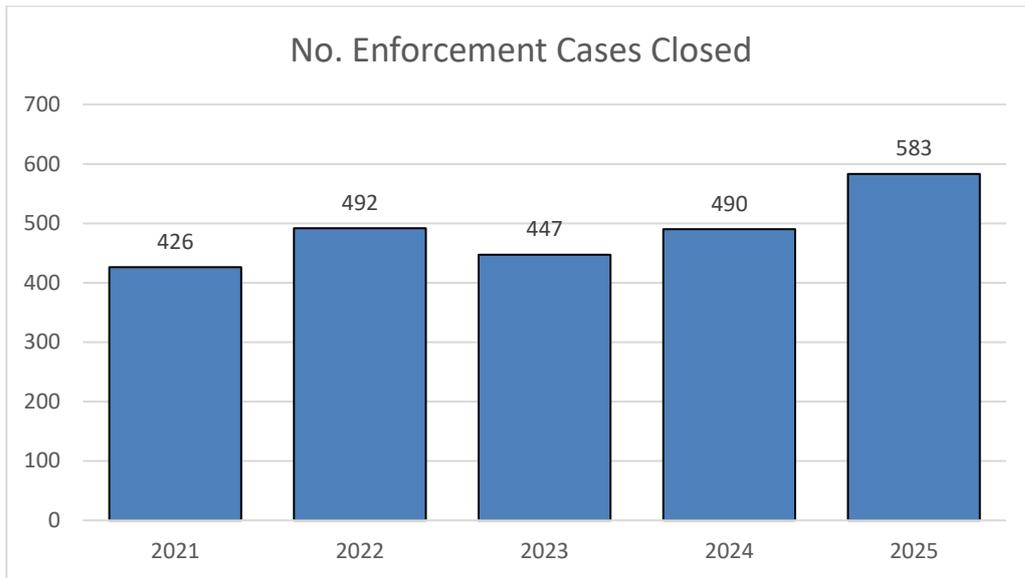
- 4.1 There are currently 275 active enforcement cases and 215 active development monitoring cases (compared to 334 and 239 respectively as last reported in 2021).



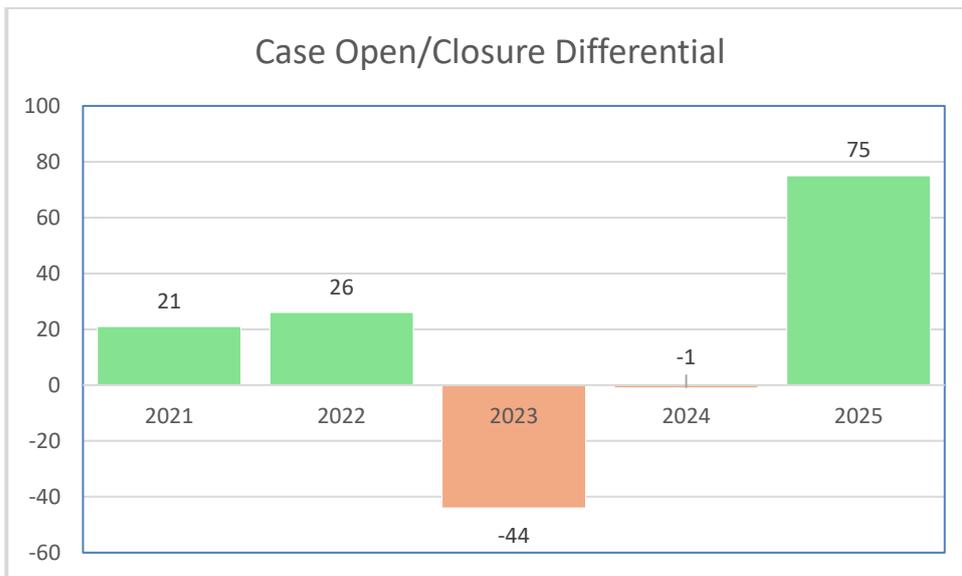
4.2 In 2025, the Council registered a total of 508 new planning enforcement cases, an increase of 17 cases on the previous year. Since 2021, there has been a 25% increase in annual case registration. 43 new monitoring cases were also registered in 2025.



4.3 Since 2023, there has been a year-on-year increase in case closures. 490 enforcement cases were closed in 2024, and 583 cases were closed in 2025, an increase from 447 case closures in 2023.

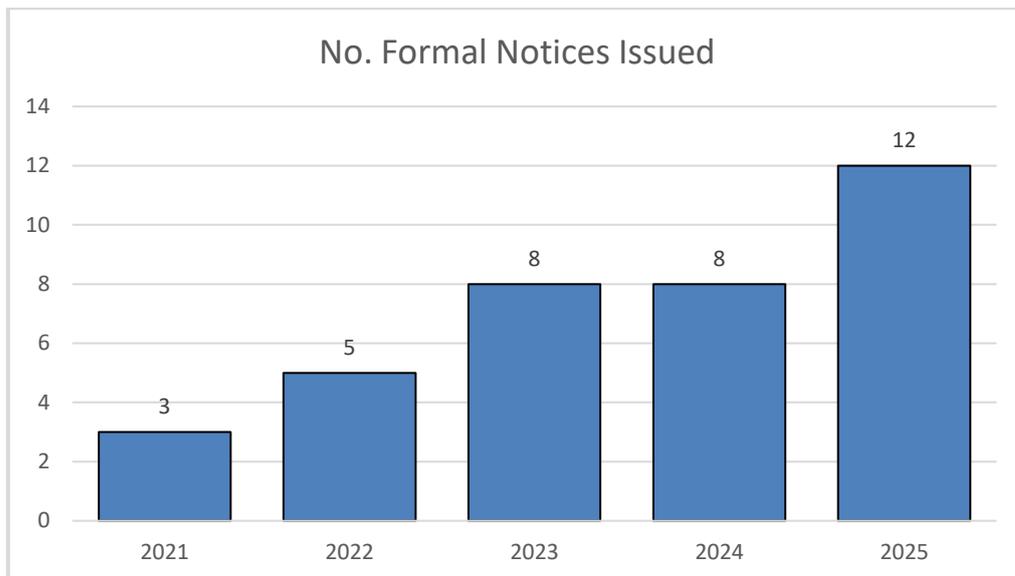


4.4 In 2025, the service closed 75 more cases than were opened, reflecting a programme of work to reduce backlog cases while maintaining progress on new investigations. Although this level of performance may not be sustainable in future years, the Council will continue to prioritise the resolution of older enforcement cases wherever possible.

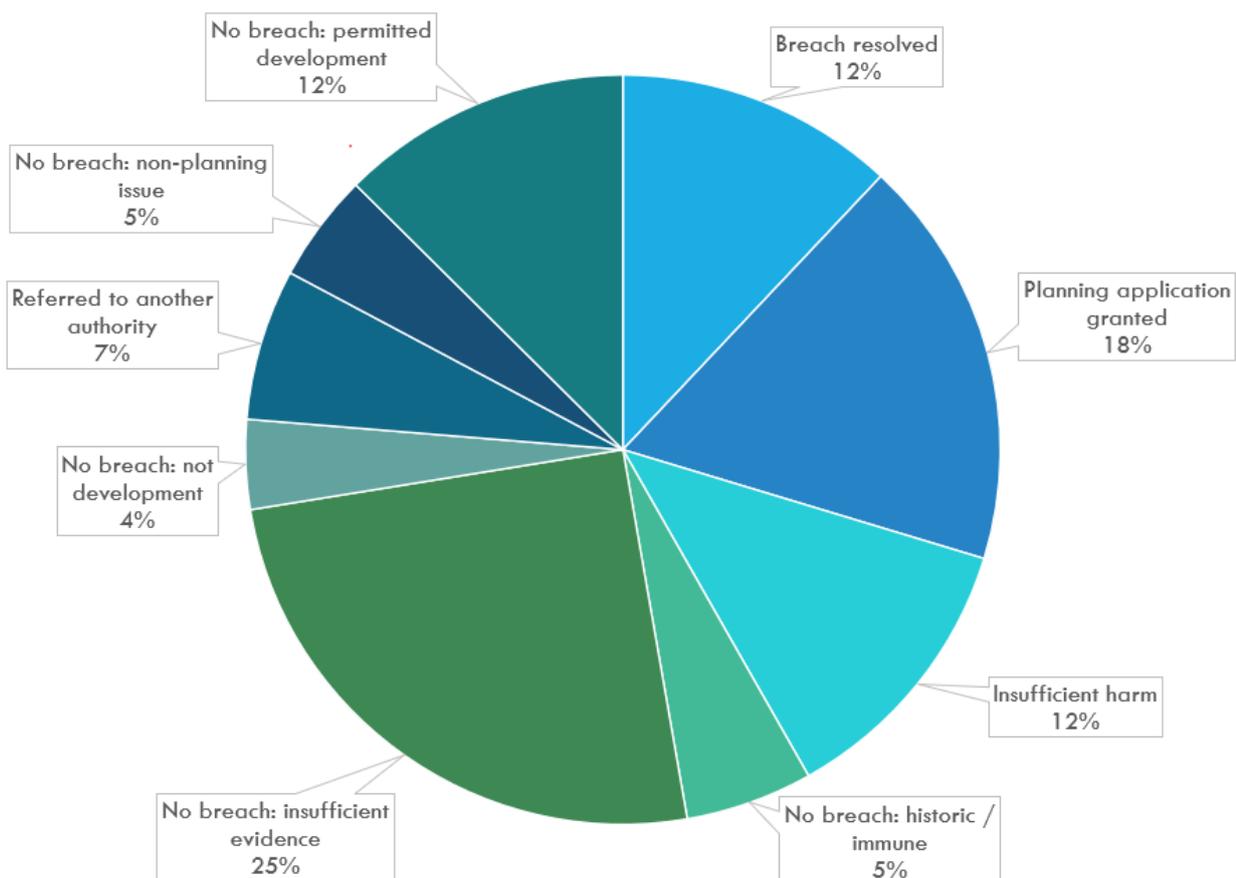


*Notices issued and prosecutions*

4.5 The Council issued 8 formal notices in 2024 and 12 formal notices in 2025. There has been a steady increase in formal notices issued since 2021.



4.6 Between 2024 – 2025, the most common case closure outcome was ‘closed due to no/insufficient evidence’ (25%), followed by ‘planning application granted’ (18%). Cases closed due to permitted development (12%), insufficient harm (12%), and breach resolved (12%) share third place.



4.7 In January 2026, the Council successfully prosecuted a person for illegally felling yew trees without prior notification in the Adderbury Conservation Area.

4.8 In February and March 2026, direct action was taken to tidy up a residential property in a state of disrepair following non-compliance with a Section 215 Notice.

4.9 Detailed information on these cases is presented below.

4.10 Further prosecutions are before the courts, including a hearing scheduled in March 2026. Details will be reported upon conclusion.

#### *Appeals*

4.11 Two notices issued in 2024, and five notices issued in 2025 were defended at appeal. Enforcement appeals via written representations are currently taking over a year to determine; appeal decisions will be published in the Appeals Report upon determination.

4.12 Five appeal decisions have been received since 1 January 2024, all were found to be in the Council's favour; one appeal was partially upheld, and the notice varied by the Inspector.

#### *Enforcement Register*

4.13 The Council has a statutory duty to maintain a public Enforcement Register. The tables below are an extract from this register and provide the position on notices issued in 2024 and 2025. Ward Members are advised when new enforcement notices are issued within their area.

4.14 The tables only show enforcement cases where formal action has been taken; live enforcement investigations (without formal notices) are not reported upon. Where criminal proceedings are ongoing, updates will be provided on conclusion of the case to avoid prejudicing the investigation.

### **Notices Issued in 2024**

Ref Number	Address	Date Served	Breach	Commentary
22/00443/ENF	Jackdaw Horton Hill Horton Cum Studley OX33 1AY	11/01/2024	Erection of a closeboard fence adjacent to a highway.	Compliance due; subject to ongoing investigation.
20/00295/ENF	16 Almond Avenue Kidlington OX5 1EN	25/01/2024	Use of outbuilding in rear garden as a dwellinghouse.	Appeal dismissed and compliance due by May 2026.

21/00326/ENF	Residential property in Banbury	29/08/2024	Untidy and overgrown rear and front gardens and untidy front elevation.	Direct action taken in early 2026 to comply with the notice; breach resolved.
23/00428/ENF	73 High Street Kidlington OX5 2DN	03/10/2024	Non-compliance with the approved plans.	Compliance due; further retrospective planning application will go to Planning Committee.
23/00316/ENF	Land at Land South Of Little Shotover And East Of Cherry Tree Cottage Horn Hill Road Adderbury	18/10/2024	Change of use of agricultural land to use as domestic and agrochemical liquid and machinery storage.	Compliance achieved in August 2025.
24/00181/ENF	133 Warwick Road Banbury OX16 2AR	31/10/2024	Construction of an outbuilding and raised platform.	Partial remedial works undertaken. Compliance due; subject to ongoing investigation.
24/00167/ENF	133 Warwick Road Banbury OX16 2AR	31/10/2024	Construction of a single storey rear extension.	Compliance due; subject to ongoing investigation.
15/00256/COU	Land at field adjacent to Hebborns Yard, Bicester Road, Kidlington, OX5 2PX	20/12/2024	Change of use to a mixed use comprising the siting of caravans for residential use and the storage of showground apparatus/rides, machinery, vehicles, trailers etc.	Ground (a) appeal partially successful for reduced area. Enforcement notice amended and upheld. Compliance due by February 2026; under investigation.

### Notices Issued in 2025

Ref Number	Address	Date Served	Breach	Commentary
22/00026/ENF	The Stables, Main Street, Great Bourton, Banbury, OX17 1QU	01/09/2025	Breach of conditions 2 & 5 relating to an authorised gypsy and traveller site.	This case is part of a wide-ranging and complex investigation involving multiple breaches, being dealt with as a priority.

				A more substantial update is likely to be available for the next report.
22/00401/ENF	Land at Mansmoor Road, Charlton On Otmoor	06/02/2025	Change of use to a mixed-use comprising holiday letting, camping, glamping etc. and the erection of associated structures and engineering works in the green belt.	Compliance achieved in October 2025.
23/00525/ENF	Heathfield Yard, Heathfield	15/04/2025	Erection of a large building for scaffolding and portacabins; associated change of use.	Subject to an ongoing appeal (written representations).
23/00404/ENF	26 Lapwing Close, Bicester, OX26 6XR	15/04/2025	Change of use of amenity land and the erection of a fence over 1m adjacent to a highway.	Compliance achieved in October 2025.
24/00146/ENF	5 Cup and Saucer, Cropredy, Banbury, OX17 1NN	01/05/2025	Unauthorised erection of fence over 1m in height adjacent the highway.	The notice was partially complied with, resolving harm to a sufficient degree for the case to be closed.
25/00012/ENF	Point To Point Farm, Mollington, Banbury, OX17 1QE	26/06/2025	Unauthorised development involving the erection of a concealed dwelling inside a barn, an equestrian riding arena, Pilates studio and chiropractic clinic.	An appeal was lodged which was downgraded from a Public Inquiry to Written Reps due to lack of appellant engagement.  The appeal is ongoing.
21/00443/ENF	113 Danesmoor Banbury OX16 1QE	27/08/2025	Erection of a raised concrete platform and steps to the front elevation of the property.	An appeal against the refusal of retrospective planning application is ongoing.
25/00117/ENF	46 Chaffinch Way Banbury OX15 4GP	01/09/2025	Erection of fence between dwelling and highway.	Compliance achieved in September 2025.
23/00554/ENF	Stone Valley House, Acre Ditch, Sibford Gower, Banbury, OX15 5RW	20/10/2025	Erection of a shed structure forward of the principal elevation.	Compliance due by October 2026.
23/00049/ENF	Tite Lane, Hook Norton	01/12/2025	Unauthorised partial demolition of a wall within a conservation area.	The notice was withdrawn to facilitate negotiations with the landowner about rebuilding the wall. The notice could be reissued if these negotiations

				fail.
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*Case of significant interest: prosecution at Yew Tree House, Adderbury*

- 4.15 In June 2025, the Council received a complaint alleging that yew trees had been felled in the Adderbury Conservation Area without prior notification. The reported fellings were believed to have occurred 2 – 3 weeks prior.
- 4.16 Planning Enforcement Officers attended the address on the same day, finding evidence that yew trees had been felled. Photographic material and other evidence was collected for a potential prosecution.
- 4.17 An Arboriculture Officer concluded that had prior notification been given, the Council would have issued a Tree Preservation Order, prohibiting the felling. In the absence of prior notification, the Council was denied this opportunity.
- 4.18 Following initial inquiries with the landowner who had recently purchased the property, it became clear that the landowner would not be cooperating fully with the investigation. An interview under caution was scheduled in July 2025, but the defendant did not attend.
- 4.19 Upon meeting the evidential threshold, legal action was determined to be in the public interest and court summons were served in January 2026. Officers overcame evidential challenges due to the delay between the felling and it being reported. Furthermore, no direct witnesses came forward to support the investigation.
- 4.20 The defendant attended the hearing at Reading Magistrates' Court and pleaded guilty to the offence. The Magistrates handed down a fine of £7,200, including the Council's costs and victim surcharge. During sentencing, the Magistrates considered mitigating factors included it being a first-time offence.
- 4.21 This outcome does not reverse the loss of the tree, however the prosecution illustrates how seriously the Council takes tree offences and how it is prepared to take swift action where contraventions are identified. The court outcome was publicised to dissuade other potential offenders.

*Case of significant interest: direct action at a residential property in Banbury*

- 4.22 In 2021, the Council received an internal referral regarding complaints relating to external appearance of a dwellinghouse in Banbury. It was alleged that the property was not being maintained, particularly the rear garden which was heavily overgrown and allegedly damaging neighbouring property. A Community Protection Warning had already been issued by Environmental Protection.
- 4.23 A site visit occurred following receipt of the complaint and the condition of the property was verified, including an overgrown and inaccessible rear garden. Formal action was not immediately taken as the untidiness predominantly

affected the rear, outside of view from the public domain. The Council sought to negotiate visual improvements, however the landowner did not engage.

- 4.24 After additional complaints were received and further review, the Council issued a warning letter in August 2023, formally requesting remedial work be undertaken. The requested work included clearing the front and rear gardens of overgrown vegetation, repairing the garage door and repairing rotten timber.
- 4.25 Further warning letters were sent in September 2023 and July 2024.
- 4.26 In August 2024, a Section 215 Notice was issued. The notice was not appealed and went into effect on 27 September 2024. Compliance was due within 3 months which expired on 27 December 2024 without any significant remedial work being undertaken. A criminal investigation was launched.
- 4.27 The transgressor was invited to an interview under caution in early 2025 but did not attend.
- 4.28 The Council considered the public interest of prosecution and/or taking direct action, i.e. undertaking the remedial work itself and charging back the costs to the landowner. It was considered expedient to take direct action, as the Council's priority was to resolve the ongoing harm to neighbourhood amenity; a prosecution was unlikely to achieve this.
- 4.29 The Council produced a successful business case for taking direct action; whilst there were budget implications, the debt could eventually be recovered from the landowner. Furthermore, the property condition was continuing to deteriorate, increasing the need for intervention measures.
- 4.30 Following procurement, the Council awarded a company specialising in enforcement services a contract to undertake the remedial work on the Council's behalf. This company had a prior track record, having undertaken similar work for the Council previously with positive outcomes.
- 4.31 Remedial work was undertaken on two dates in February and March 2026. This involved clearing the front and rear gardens of extremely thick and dense overgrown vegetation and disposing of the green waste responsibly. Improvements also included repairing and repainting the frontage and repairing a dwarf boundary wall. The Council's priority was to ensure the land was cleared to a condition which would avoid the problem arising again soon.
- 4.32 The Council is now in the process of pursuing debt recovery to recover the cost of undertaking the work. The Council has the power to place a local land charge, enabling recovery of the debt (with interest) on sale of the property.

## **5. Alternative Options and Reasons for Rejection**

- 5.1 None. The report is presented for information.

## **6 Conclusion and Reasons for Recommendations**

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

## Decision Information

<b>Key Decision</b>	No
<b>Subject to Call in</b>	No
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	All

## Document Information

<b>Appendices</b>	None
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
<b>Report Author</b>	Sean Tilbury
<b>Report Author contact details</b>	Sean.tilbury@cherwell-dc.gov.uk, 01295 221503
<b>Corporate Director Approval (unless Corporate Director or Statutory Officer report)</b>	Ian Boll, Corporate Director for Place & Regeneration, 16 March 2026