

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 7 May 2014 at 10.00 a.m.

PRESENT: Councillor Robert Turner – Chairman
Councillor Lynda Harford – Vice-Chairman

Councillors: David Bard Val Barrett
Brian Burling Tumi Hawkins
Sebastian Kindersley David McCraith
Charles Nightingale Hazel Smith
(substitute)
Nick Wright

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Development Control Manager), Katie Christodoulides (Planning Officer), Gary Duthie (Senior Lawyer), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Senior Planning Assistant), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)) and Charles Swain (Principal Planning Enforcement Officer)

Councillors Ray Manning and Mick Martin were in attendance, by invitation.

Apologies for absence were received from Councillors Robin Page, Deborah Roberts and Ben Shelton.

126. GENERAL DECLARATIONS OF INTEREST

In respect of application number S/0025/14/FL in Cottenham (Minute 134 refers), Councillor Lynda Harford declared a non-pecuniary interest; Councillor Harford had been present when Cottenham Parish Council discussed this application but had not contributed to the debate or taken part in the vote.

127. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 2 April 2014.

128. S/1774/13/FL - OVER (IVY HOUSE, 12 FEN END)

Melanie Pankhurst (objector) and Don Proctor (applicant's agent) addressed the meeting.

Members attended a site visit on 6 May 2014. While the neighbour did not object to the principle of development, she voiced concerns about the scale and overbearing nature of the proposed extension. The applicant's agent summarised the beneficial nature of the proposal, especially in renovating a Listed Building, and said protection of neighbours' amenity had been a prime consideration. The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

129. S/1776/13/LB - OVER (IVY HOUSE, 12 FEN END)

Members attended a site visit on 6 May 2014. The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities

Director.

130. S/0727/14/PA - WILLINGHAM (130 STATION ROAD)

The Committee **resolved** that Prior Approval from South Cambridgeshire District Council as Local Planning Authority was not required.

131. S/0199/14/FL - WILLINGHAM AND OVER (LAND TO THE NORTH OF THE PIGGERY, HADEN WAY)

Councillor Ray Manning (a local Member) addressed the meeting. He maintained that the proposed development added nothing by way of security.

The Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reasons for refusal as being the unsustainable nature of the proposal and the principle of residential development in this location, taking into account Policy DP/7 of the South Cambridgeshire Local Development Framework 2007 relating to Development Frameworks. The Committee **authorised officers to serve an Enforcement Notice** with a compliance period of two months.

132. S//0863/13/FL - WILLINGHAM (3 CADWIN FIELD)

Councillor Ray Manning (a local Member) addressed the meeting.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

133. S/0053/12/FL - CAXTON (CAXTON GIBBET)

The Committee gave officers **delegated powers to approve** the application subject to the applicant agreeing to any additional on-site landscaping deemed necessary to minimise the adverse impact on the surrounding landscape and, subject to deletion of the Condition relating to an archaeological survey, to the Conditions referred to in the report from the Planning and New Communities Director.

134. S/0025/14/FL-COTTENHAM (3 HISTON ROAD)

Michael Hendry (applicant's agent) addressed the meeting. He said the proposal was consistent with the built form and would enhance the Conservation Area.

Councillor Tim Wotherspoon (a local Member but not present) had given his support for the principle of this development.

The Committee **approved** the application contrary to the recommendation in the report from the Planning and New Communities Director, subject to

(a) the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing index-linked financial contributions

- of £849.42 towards the provision and management of public open space offsite in Cottenham in compliance with Policy SF/10 of the South Cambridgeshire Local Development Framework 2007 (LDF)
- of £513.04 towards the provision of new community facilities (or the improvement of existing ones) in compliance with Policy DP/4 of the LDF

- of £69.50 per dwelling in respect of household waste receptacles.
- (b) the Conditions and Informatives set out in the report in anticipation of approval being granted, and
- (c) an additional Condition relating to the parking of construction vehicles.

Members agreed the reasons for approval as being that the impact on the Conservation Area and Listed Building was acceptable in planning terms.

135. S/0373/14/FL - ICKLETON (LAND TO THE WEST OF 20 CHURCH STREET)

Ken Worthing (objector), Paul Belton (applicant's agent), Terry Sadler (Ickleton Parish Council) and Councillor Mick Martin (local Member) addressed the meeting.

The objector maintained that the footprint of the proposal was too big and would impact adversely on the setting of the Listed Building and the amenity of neighbours. The Parish Council and Councillor Martin also recommended refusal, the latter describing the proposal as the wrong type of development for the particular site.

However, taking all matters into account, and mindful of the need to act reasonably, the Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Planning and New Communities Director.

136. S/0589/14/VC - FOXTON (14 FOWLMERE ROAD)

Graham Ward (applicant) and Peter Sutton (Foxton Parish Council) addressed the meeting.

The Parish Council reiterated the view that the proposal would fundamentally change the appearance of the building, which could not be justified, and recommended refusal.

The Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Planning and New Communities Director.

137. S/2616/13/FL - MELDRETH (BURY LANE FRUIT FARM , MELBOURN BYPASS)

Margaret Lynch (objector), Andrew Hudson and Nick Barber (applicant's agents) and Rob Searles (Meldreth Parish Council) addressed the meeting.

The objections were based on scale, the loss of agricultural land, and adverse impact on amenity. Reference was made to the cluster of such developments in the immediate area. The agent pointed out that the applicant had complied with Members' wishes and removed the southern field from the application. Councillor Susan van de Ven (local Member not present) had indicated her support for the proposal. The Parish Council was also supportive.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director, Meldreth Parish Council being consulted about all aspects of the landscaping requirements.

138. REVIEW OF PUBLIC SPEAKING SCHEME

The Committee resolved to leave the order for speaking as it is, namely

- (1) Objector
- (2) Supporter (usually the applicant or planning agent)
- (3) Parish Council representative (but not the Clerk)
- (4) Local District Councillors

and to endorse the public speaking protocol as agreed in April 2013, contrary to the recommendation in the report from the Legal and Democratic Services Manager.

139. ENFORCEMENT REPORT

The Committee **received and noted** an Update on enforcement action.

140. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

141. EXCLUSION OF PRESS AND PUBLIC

The Planning Committee **resolved** that the Press and public be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraphs 1,3, 5 and 7 of Part 1 of Schedule 12A of the Act).

142. STAPLEFORD (PROPOSED APPLICATION FOR INJUNCTION TO REMEDY CURRENT BREACHES AND PREVENT APPREHENDED FUTURE BREACHES OF PLANNING CONTROL AT LAND AT HILL TREES, BABRAHAM ROAD, STAPLEFORD)

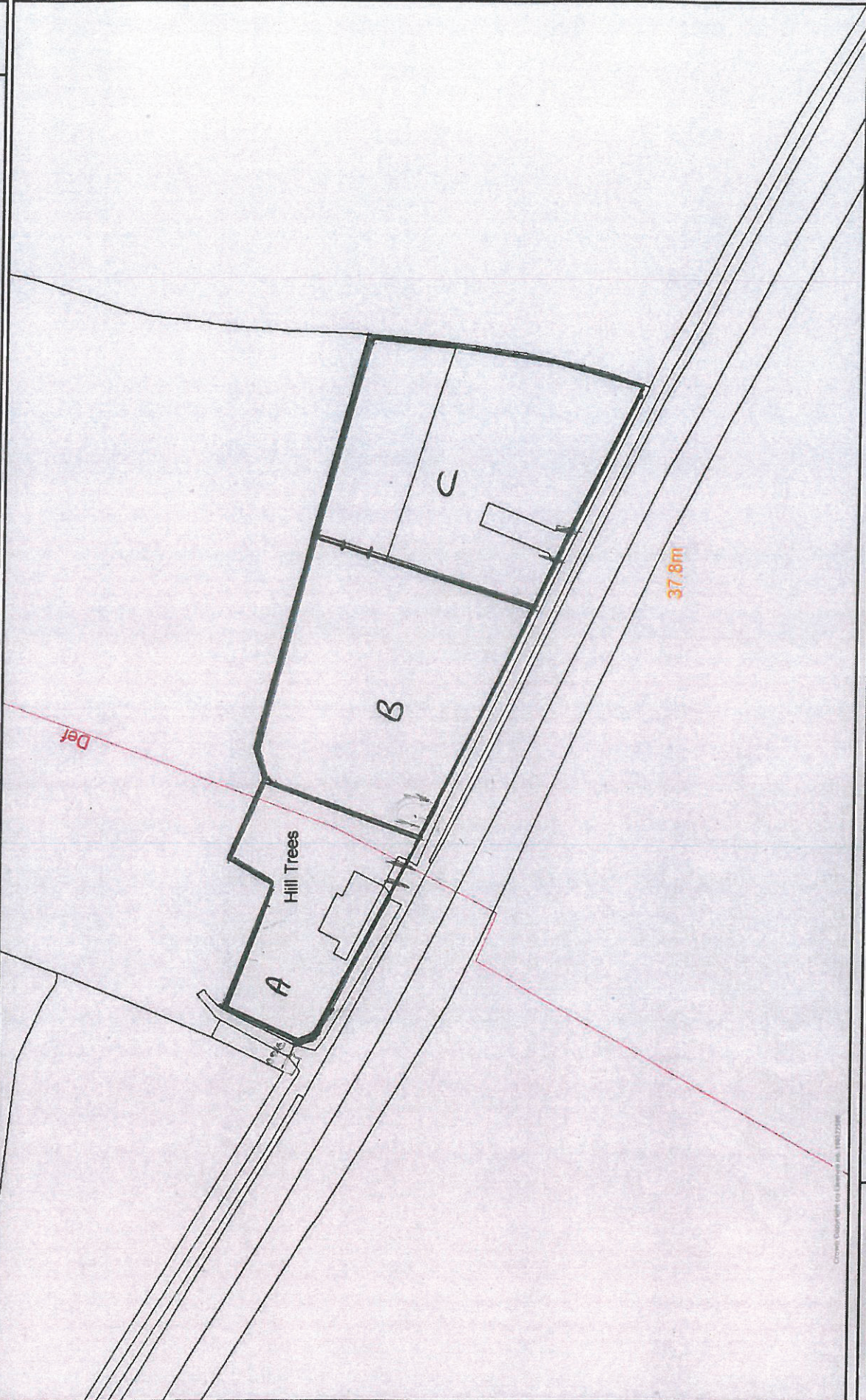
The Committee **resolved** to give officers the authority sought in paragraph 8 of the report from the Planning and New Communities Director for the reasons set out in paragraphs 9, 10 and 11.

The Meeting ended at 12.05 p.m.

Minute Item 142

Appendix 1 - Map of site showing Areas A, B and C and aerial photographs showing the change in the site over time.

Land at Hill Trees, Babraham Rd, Stapleford, Cambridgeshire



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Scale 1/1150

Centre = 548401 E 253811 N

Date 3/12/2012

Itemised Changes - Description

1988 – Aerial photograph shows land “A” with house and outbuildings.

Land “B” and “C” shows the land to be clear and used for agricultural purposes.

1998 – Aerial photograph taken shows land “A” with the house and outbuildings.

Land “B” shows a vehicle parked within the entrance, rest of the field is clear and used for agricultural purposes.

Land “C” Is totally clear and used in connection with agriculture.

2003 – Aerial photograph shows land “A” with the house and outbuildings.

Land “B” shows the land to be clear and used for agricultural purposes.

Land “C” shows a mobile home and three vehicles

2008 – The aerial photograph shows land “A” with the house and outbuildings

Land “B” shows the land to be clear and used for agricultural purposes.

Land “C” shows several items including a disassembled Nissan hut and a lorry back used as a storage unit

10th May 2013 – The aerial photograph shows a general intensification of the land in all areas in particular;

Land “A” addition of two mobile homes and a newly constructed roadway running east to west without planning permission.

Land “B” the addition of at least 14 vehicles and a newly constructed roadway running east to west.

Land “C” the stationing of at least 18 vehicles, a disassembled Nissan hut , a lorry back used as a storage unit and a touring caravan contrary to an extant enforcement notice issued in February 2005



Scale 1/608

Date 28/6/2013

Centre = 548416 E 253803 N

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South
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District Council





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Scale 1/608

Date 28/6/2013

Centre = 548416 E 253803 N



South
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Scale 1/602

Date 28/6/2013

Centre = 548433 E 253797 N



2000 N. 10th St.

Appendix 2 - Statements from District Councillor Mr Nightingale and from Stapleford Parish Council and copies correspondence from Cllr Nightingale, Stapleford and Great Shelford Parish Councils and local residents.

South Cambridgeshire District Council

Criminal Justice Act, 1967, s 9: Magistrates Courts Act 1980, ss. 5A (3a) and 5B
Magistrates Courts Rules, 1981, r. 70

WITNESS STATEMENT OF CHARLES NIGHTINGALE

ADDRESS: South Cambridgeshire District Council, South Cambridgeshire Hall,
Cambourne Business Park, Cambourne, Cambridgeshire, CB3 6EA

AGE: Over 21

OCCUPATION: Retired.

This statement consisting of 2 pages signed by me is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I Charles Nightingale will say that although I am retired I represent the Shelford's and Stapleford Wards as the District Councillor and have held the post since May 2002. During this time I have received many complaints regarding the property know as Hill Trees situated on Babraham Road, Stapleford and the activities at that property of Mr Fleet Cooke, also known as Paul Sanderson and Fleet Stother Cooke, who resides at 136 Perne Road, Cambridge CB1 3NX. Exhibit CN/1 attached to this this statement is several examples of letters received from members of the community highlighting their concern

On May the 9th 2005 the Cambridge Evening News published an article that reflected some of the complaints that I had received either in my capacity as the Chairman of Gt Shelford Parish Council or as District Councillor. Exhibit CN/2 attached to this statement is a copy of the newspaper article

On April 15th 2008 I visited the Hill Trees property with a representative of the Cambridge Evening News to highlight that the District Council had voted at Planning Committee to remove the unauthorised mobile home and a motor vehicle that was on the site contrary to an enforcement notice. Exhibit CN/3 is a copy of the newspaper article that was published that day.

In recent months the complaints have escalated including representation to the Chief Executive of South Cambridgeshire District Council from The RT Hon Andrew Lansley CBE MP. Exhibit CN/4 attached to this statement is a copy of the letter from Andrew Lansley.

Recently I have observed Fleet Cooke taking delivery on site of a mobile home and construction of a roadway on the site, both of which I believe require planning permission, as they were a change of use of the land and engineering works. This activity by Mr Cooke again generated numerous telephone calls from members of the public complaining of the unauthorised activity on the Hill trees site.

On or about the 19th April 2012 I visited the site along with Charles Swain who is the Planning enforcement officer for South Cambridgeshire District Council and Fleet Cooke. The purpose of the visit was to inspect the land in order to ascertain the extent of the breaches referred to in this statement and to inspect matters relating to the depositing of household waste on land designated for agriculture. Mr Cooke in response to questions regarding the depositing of waste stated that he was recycling items from the main residence belonging to a Mrs Freda Cook, no relation, who now resides at his house in Perne Road Cambridge. When asked if he had the appropriate licences for dealing with waste his reply was "No". In addition to the household waste it was also noted that here was also a number of disused chest freezers which according to Mr Cooke was used for storing water for plants grown on the land. In addition to the waste it was noted that there was at least 15 motor vehicles, 2 Lorries, a builder's dump truck and a mechanical digger on the site.

As Local Member of the District Council and Chairman of Gt Shelford Parish Council I am aware that two companies have contributed a total of £8000.00p towards funding to carry out a redesign and landscaping to the large traffic island situated on the A1137 and in close proximity to Hill trees. Concern has been raised by them regarding this important gateway to Cambridge, given the issues currently identified at the site. Exhibit CN/5 attached to this statement is a copy of an aerial photograph that shows the roundabout referred to above and the Hill Trees site

In summary Fleet Cooke has turned what was once beautiful agricultural land situated in the Greenbelt into an eyesore that affects the amenity of the area for local residents and visitors to Cambridge. He has also breached planning control, defied numerous notices and basically ignored the local authority therefore I fully support the Council in any formal action that can be taken to restore the land back to its former agricultural use.

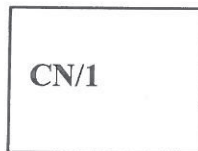
Signed: _____



Date: 25.7.13

Exhibit Presented by Charles Nightingale

This is the Exhibit Marked



And referred to in my Statement

Godolphin Cottage
Wandlebury
Babraham
Cambridge
CB22 3AE

Tel: 01223 248802 : email chris.everitt@virgin.net

7th June 2013

Dear Councillor Nightingale

Old Lacon Arms Pub (A1307)

Further to my letter of 12th September 2012, Mr Fleet Cooke appears to have a complete disregard for the Order of the Court in that more and more cars, vans, trailers - and more recently a caravan are being dumped on the site. Apart from the illegal activities the place is an unsightly mess on one of the main gateways into Cambridge.

I am alarmed at the lack of action by the Police and others. Mr Fleet needs to learn the Crime doesn't pay and that "Contempt of Court" will not be tolerated.

I would be grateful of you and Sir Graham Bright would do me the courtesy of letting me know that action is being taken to address my concerns.

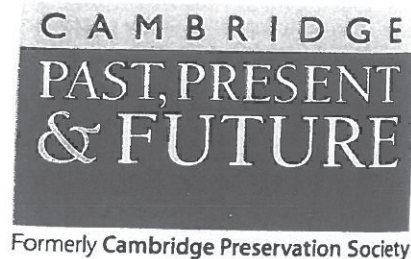
Yours sincerely



C. J. Everitt

c.c. Sir Graham Bright

Cambridge Past, Present & Future
Wandlebury Ring, Gog Magog Hills,
Babraham, Cambridge CB22 3AE
Phone 01223 - 243830
www.cambridgeppf.org



South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

FAO: Cllr Charlie Nightingale

16 May 2013

Dear Cllr Nightingale

Former Hill Trees Public House

I write to complain in the strongest terms about the state of the former Hill Trees Public House on Babraham Road, just south of Cambridge.

As you are aware, the panorama as one crosses the crest of the Gog Magog Hills, near our Wandlebury Country Park, is one of the finest of Cambridge – and is the first sight of our wonderful city for many people. Equally when leaving the city one approaches the Gog Magog Hills (which includes Wandlebury Country Park, Magog Down and Heath Farm Shop) and they are one of the city's important major recreational areas. Over the recent years we all have started to improve the Gogs and even lately achieved a new cycle and pedestrian route linking the city and the hills.

However, within a few hundred yards from the edge of the city, we are accosted with a run-down jerry built shack selling cars – probably illegally – which visually is highly intrusive and potentially polluting the ground with uncontrolled oil leakage of the old vehicles. What does it say to visitors about our city's rural fringe? This eyesore has been deteriorating over many years and we believe that it is time to take action to clean it up.

We understand that South Cambs District Council have made efforts in the past, at considerable cost to the rate payers of South Cambridgeshire, to obtain judgments against the owners and occupiers of the property – and we encourage you to progress your efforts to remove this eyesore.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Carolin Göhler'.

Carolin Göhler
CEO - CambridgePPF

Encl – none
Cc – Stuart Harwood- Clark, Environment Operation Manager (Environmental Health, SCDC)
– Charles Swain (Planning Enforcement, SCDC)

Cambridge Past, Present & Future – a local charity with over 1,700 members working to keep Cambridge and its



Stapleford Parish Council

CHAIRMAN Mrs Jackie Bow

3 Sternes Way, Stapleford, Cambridge CB22 5DA
tel - 01223 841982; e-mail - jackie.lingo@ntlworld.com

VICE-CHAIRMAN Mr James Foreman

20 Greenfield Close, Stapleford, Cambridge CB22 5BT
Tel - 01223 842486; e-mail - james.foreman@ntlworld.com

CLERK Mrs Beckie Whitehouse

35 Priams Way, Stapleford, Cambridge CB22 5DT
tel - 01223 845328; e-mail - staplefordparishclerk@gmail.com

Dear Councillor Nightingale

I am writing to you on behalf of Stapleford Parish Council regarding the on- going problems at Hill Trees on the Babraham Road (A1307).

There is general concern that the site is becoming more and more of an eyesore and the dangers that have been posed, such as the plan to open a driveway directly on to a road with a 50 mph speed limit. The issue is taking a considerable amount of time to resolve and there are also concerns about the implications of this for South Cambs District Council in both terms of finance and energy.

If there is any other way in which Stapleford Parish Council can help resolve the problem please do not hesitate to contact me.

Best Wishes

Beckie Whitehouse

Stapleford Parish Clerk

Godolphin Cottage
Wandlebury
Rahraham
Cambridge
CB22 3AE

Tel: 01223 248802 : email chris.everitt@virgin.net

4th September, 2012

Dear Councillor Nightingale

Old Lacon Arms Pub (A1307)

As you will observe from my correspondence to David Pepperell (dated 22 February 2010 and 17 January 2011 - copies attached) I have been concerned about the activities and environmental mess at the site of the Old Lacon Arms for over 2 ½ years. I am a near neighbour and pass the site on a daily basis.

I continue to be alarmed particularly as I understand that Mr Fleet Cooke has been ordered by the Court to cease trading and indeed has been fined by the Court for selling cars illegally from this site. My observation is that trading continues and the site continues to look an absolute mess.

It seems to me that Mr Fleet Cooke may well be in "contempt of Court" and urgent action needs to be taken. If Law and Order is ignored it bodes ill for us all.

Please do all you can as our elected Councillor to urge action where action is needed.

Yours sincerely



C. J. Everitt

c.c. Cambridge PPF

Cllr C Nightingale
12 Aylesford Way
Stapleford
Cambridge
CB22 5DP

FOX HILL LODGE, GT. SHELFORD, CAMBRIDGE, CB22 5AN

Tel. 01223 843594

Email: johndeanfoxhill@gmail.com

Cllr Charles Nightingale
12 Aylesford Way
Stapleford
Cambridge
CB22 5DP

29 August 2012

Dear Mr Nightingale

Re The Old Lacons Arms Public House, Babraham Road, Great Shelford

I am concerned at the apparent lack of progress your Council is making regarding planning enforcement in respect of the above

I have owned and occupied the above house for 46 years with a direct view across the A 1307 to the former public house and land, with the golf course above

It is now some 10 years since I visited your planning department and had an interview with a planning officer, I believe Mrs Sue King, to discuss what seemed to me to be an infringement of planning law. I explained that I had no wish to make a formal complaint about someone but living in South Cambs I did look to your Council to fulfil its duties of enforcement. I was told your Council was fully aware of the situation and assured that action was already in hand

In subsequent years I brought the subject under discussion with a Parish Councillor, the late Peter Hinsby, who I knew well. He constantly told me you had the matter in hand and I believed that South Cambs had effectively given the Parish Council assurance of action

The present direct access from the highway for numerous vehicles to the land at the side of the former public house has seemed to me to be a material traffic hazard, especially as the road is a major access to the hospital for fast moving emergency ambulances, and I have presumed that your Council will have involved the County Council as Highway Authority. I do not recall any such access from the highway existing in the past

Many years ago there was an Estate Agents' "For Sale" board by the land roadside (Castles of Gt Shelford), but I did not understand what access to the site was provided

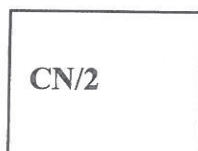
Yours respectfully



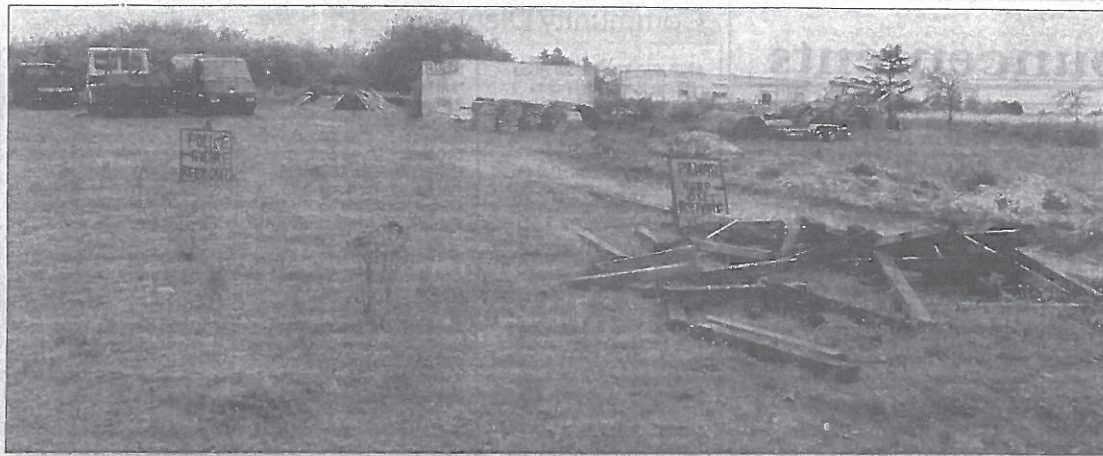
John T Dean LVO., MA

Exhibit Presented by Charles Nightingale

This is the Exhibit Marked



And referred to in my Statement



Unightly: Paul Sanderson's unauthorised site on the Gogs just outside Cambridge is the subject of an enforcement notice.

Picture: Roger Arbon 245208.

'Eyesore' anger over vehicle site on Gogs

Exclusive

By Sarah Gowler

DODGY car dealer Paul Sanderson is at it again!

Two years after he was forced to stop selling cars from the side of Perne Road in Cambridge, Mr picturesque areas of the county

He is now selling used lorries, vans and trailers on land close to the Gog Magog Golf Course and Wandiebury Country Park - creating an eyesore for people driving in and out of Cambridge along the A1307.

Mr Sanderson is operating his business on land next to the former Hilltrees public house.

However, he does not have planning permission to develop the site.

Residents from the nearby villages of Stapleford and Shelford were so concerned about Mr Sanderson's activities that they contacted their local district councillor Charlie Nightingale and asked him to put a stop to it.

Coun Nightingale said: "I have had so many complaints about the eyesore he is causing. He has even dug a road into the site even though he has no permission to develop the site."

"I was made aware of the problem about a month ago and got an enforcement notice straight away but he has now appealed against it."

He added: "There is such a lovely view as you come into Cambridge along that road but now there's this eyesore. It's a blot on the landscape."

However, Mr Sanderson claims he is trying to make the site less offensive by putting up a fence and planting trees but he says he finds it difficult to spend much time down there as he is a carer for his blind mother.

He also claims he has been using part of the site for more than 10 years and has been using the present field as storage for five or six years with the permission of the landowner.

Mr Sanderson added: "I'm not running a business for the site. I can't run a business because I'm



Eyesore: The controversial site is on the edge of the A1307 near Shelford. Below: Paul Sanderson's cars in Perne Road in 2002. 245215/245213/73319



looking after my blind mother."

When questioned as to why some of the lorries had for sale signs in the window, Mr Sanderson said: "I had been trying to get rid of some of the vehicles. That's all I'm doing. There are strict conditions on the enforcement notice about leaving any new vehicles on the site."

A spokeswoman for South Cambridgeshire District Council confirmed that an enforcement notice had been issued.

She said: "I can confirm that a stop notice and a planning enforcement notice were served on the owner/occupier of the

land adjacent to Hilltrees on March 1, 2005.

"The breach of planning control is that there has been a material change of use of the land from agriculture to the storage of motor vehicles, caravans/mobile homes, containers, trailers, timber, bricks, scrap metal and other items not associated with or requisite with agriculture.

"The enforcement notice requires the items listed above to be removed from the site.

"An appeal against the enforcement notice has been made to the Planning Inspectorate, who will consider if the

enforcement notice should be upheld. No dates have yet been forthcoming from the Planning Inspectorate to determine the case.

"As an appeal has been made the owner/occupier is not required to remove the offending items from the site until the matter is determined."

She added that the site was now being monitored to ensure no further items, which could be considered as being in breach of the stop notice, are being taken onto the site.

sarahgowler
@cambridge-news.co.uk

NEWS

IN BRIEF

Woman is freed after M11 crash

EMERGENCY services worked for an hour to release a woman from her car after it collided with a lorry on the M11.

The woman suffered multiple leg injuries in the crash but her young granddaughter, who was in the car with her at the time, escaped injury. Essex ambulance service was called to the scene of the accident, between junctions 8 and 9 of the M11, at 12.39am this morning.

An ambulance from Stansted, an ambulance from Harlow and a BASICS emergency doctor who was in the area at the time attended.

The woman was taken to Addenbrooke's Hospital in Cambridge.

Auction appeal

DONATIONS are needed to make a fundraising auction the most successful yet.

The auction at the British Queen pub in Histon Road, Cambridge, will raise money for the Bermuda Community Room project. A previous auction in November raised £630.

Rosina McCamley, one of the organisers, would like to hear from anyone who can donate items for the sale on Saturday, May 28. She can arrange for items to be collected.

The sale starts at 12.30pm (doors open at 11am). Call Rosina on (01223) 303954 for more information.

Fete fun for village

FETE fun is on offer in Barrington soon on Saturday May 21.

It takes place on The Green and will be opened by Catherine Carr from BBC Radio Cambridgeshire at 2pm.

The programme includes a fancy dress competition, miniature railway and demonstrations. Refreshments will be served and stalls set up, too.

Slice of folk music

EEL Pie are returning to the Three Pickerels pub in Mepal to wake up the locals with a session of their contagious folk music.

The Sutton-based band will perform a set of contemporary folk songs and traditional bluegrass music at the Red Rose Folk Singing Session on Wednesday.

Sing, play or just listen to their songs at 9pm at the free event.

Wartime love songs

ROMANTIC music from the 1930s and 1940s will be on the bill at a concert to help mark the 60th anniversary of VE Day.

The show, featuring the Hartford Singers, will be at the Trinity Free Church, Butts Grove Way, Huntingdon, on May 14, starting at 7.30pm.

Money raised by the show will go to Christian Aid, with donations also being made to the Baptist World Mission, Trinity Free Church and the World Development Movement.

Tickets are £5 and £3 concessions and are available from Huntingdon Tourist Information Office and Huntingdon Library.

Summer fair date

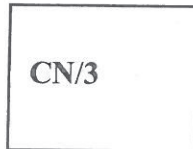
TANNERY Drift School in Royston is hosting a summer fair on Saturday, May 21.

The event runs from 2-4pm and stalls are still available.

For further details call (01763) 221490.

Exhibit Presented by Charles Nightingale

This is the Exhibit Marked



And referred to in my Statement

Council gives dealer month to clear eyesore

Bailiffs ordered to move old cars



YARD SCRAPPED: Cllr Charlie Nightingale at the scrap yard adjacent to the A1307, which has been served by a council order telling the owner to move the vehicles. Picture: David Johnson 478517.

BAILIFFS could clear vehicles from a site which has blighted a road into Cambridge.

JACK GROVE

Car dealer Paul Fleet Cooke, also known as Paul Sanderson, has resisted for more than three years enforcement action by South Cambridgeshire District Council to move vehicles from alongside the A1307, near The Gog Magog Golf Club.

But the long-running legal battle could soon be at an end after the council voted on Thursday to approve the use of bailiffs to clear vehicles in the next few weeks.

It follows the decision of a planning inspector to dismiss an appeal by Mr Sanderson in November 2005, with the High Court coming to the same decision the next month.

Councillor Charlie Nightingale, who represents The

Shelfords and Stapleford, said: "He has lost a second appeal and that was the final straw.

"The enforcement notice was approved by council members last Thursday and there will be action in the next few weeks.

"This is a horrible scrap yard and has been a terrible eyesore over the years. People will be glad to see the back of it."

Mr Fleet Cook was first featured in the News in 2002 when residents of Perne Road, Cambridge, where he lives, said he was making their lives a misery by selling cars from the grass verge.

A crackdown on roadside traders followed, but two years later the News caught him at it again - this time

without planning permission on land beside the A1307.

A spokesman for South Cambridgeshire District Council said Mr Fleet Cook would have up to a month to remove them himself before bailiffs moved in.

He said: "Our planning meeting gave authority to proceed with direct action to clear a mobile home and a vehicle from the land at Hill Trees, Babraham Road, Stapleford, which had been in breach of an enforcement notice.

"SCDC will now write to the owner of the land informing them of this decision and allow them the opportunity to clear the land.

"If this is not done SCDC will instruct its bailiffs to clear the land of the unauthorised items."

jack grove

@cambridge-news.co.uk

Residents see red over green paint

A VICIOUS graffiti attack on a number of roads has left a town shocked.

Stamford Avenue and Mill Road were among the Royston streets targeted.

Swear words and taunting sentences were sprayed with bright green paint, including the walls of Richmond Fellowship hospital, an independent hospital for people with learning difficulties.

The attackers also painted names, including Lee and Krisy, on the streets.

Police have been out in force doing door-to-door investigations and speaking to concerned residents.

Darren Yates, 40, of Mill Road, said: "It's bad. There's loads of it. It must have taken them a while to do."

Royston councillor, Rob Inwood, reported the crime to North Herts District Council.

There have been discussions at recent council meetings about installing graffiti walls in the town to combat anti-social behaviour after the scheme has been seen to work well in other areas of the country.

Inspector Peter Frost, who believes the idea has potential, said: "If someone saw anyone with green paint or a paint brush in unusual circumstances or have had them stolen, they can contact us either on 0845 330 0222 or through Crimestoppers on 0800 555 111."

Cambridge News Reader Offer

10% off everything at PARKHALL Garden Centre

Parkhall Garden Centre in Somersham (near St Ives) has one of the biggest and best retail selections of trees in Cambridgeshire, with probably the widest selection of bamboo, an extensive display of glazed earthenware and terracotta pots, a huge variety of rockery and bagged stone, and a huge collection of garden ornaments and beautiful water features.

Because they grow many plants on site, Parkhall can offer very competitive prices.

Set in an attractive rural location on the outskirts of Somersham, most first time visitors are amazed at the sheer volume of stock held and how easy it is to find!

To take advantage of this great 10% off offer, simply collect the token printed here and take it along to Parkhall Garden Centre and present it when purchasing your gardening goods!
Open 7 days a week: Mon-Sat 9:00am to 6:00pm, Sunday 10:00am to 4:00pm.

For more information visit www.parkhallgardencentre.co.uk or call 01487840397



Villagers set agenda

RESIDENTS have the chance to set the policing agenda.

The Histon neighbourhood policing panel will meet at Impington Village College at 7.30pm this evening.

The meeting is open to residents from Histon, Impington, Waterbeach, Milton, Landbeach, Chitering, Rampton, Cottenham, Oakington and Westwick.

Sgt Sarah Webb said: "We want to ensure we are tackling the issues important to the public. Anyone who has an issue to raise ought to attend the meeting."

"Neighbourhood policing allows the public to get involved in setting priorities."

The meeting sets police priorities for the next three months.

Pupils head for twin experience

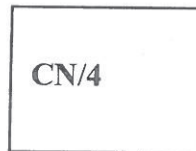
YOUNG dancers, majorettes and footballers will be crossing the channel to take part in a Twin Towns Festival.

The 53 youngsters will spend a weekend in St Neots' twin town near Lille, in France, joining their French friends in a dance and majorette show, various football matches and a disco.

The Langdale Academy of Dance and St Neots Dance School will join forces with the Lille-based l'école de danse from April 18.

Exhibit Presented by Charles Nightingale

This is the Exhibit Marked



And referred to in my Statement



CNT

HOUSE OF COMMONS

LONDON SW1A 0AA

Ms Jean Hunter – Chief Executive
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne, Cambridge
CB23 6EA

Reference: HTPH/KL/130612

14th June 2013

Dear Jean,

I have received correspondence from constituents and a councillor regarding the former Hill Trees Public House site off the Babraham Road (A1307).

The numerous issues which have been raised with me regarding this site concern both its visual and environmental impact, as well as the safety of access to the site. I note these concerns have been ongoing for many years.

In particular local people, and local organisation – Cambridge Past, Present and Future, have expressed concerns over the state of this site, and its visual impact, located on one of the main gateways into Cambridge. Local residents are rightly proud of Cambridge and the local area which many work hard to preserve, and consequently they are disappointed that this site has not been better maintained.

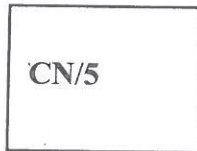
Concerns have also been raised with me regarding the safety of an access road to and from the site that I understand was created by the owner. It has been pointed out that this is a busy and fast-moving stretch of road, and consequently the addition of this access road has raised concern. A number of other concerns regarding the legality of suspected trading of vehicles and the storage of them on site have also been raised with me.

I understand that the Council are aware of the issues relating to this site and have been seeking to take action to address them. As such I would be grateful if the Council would continue to pursue all avenues available to seek a satisfactory resolution to the concerns raised by local residents.

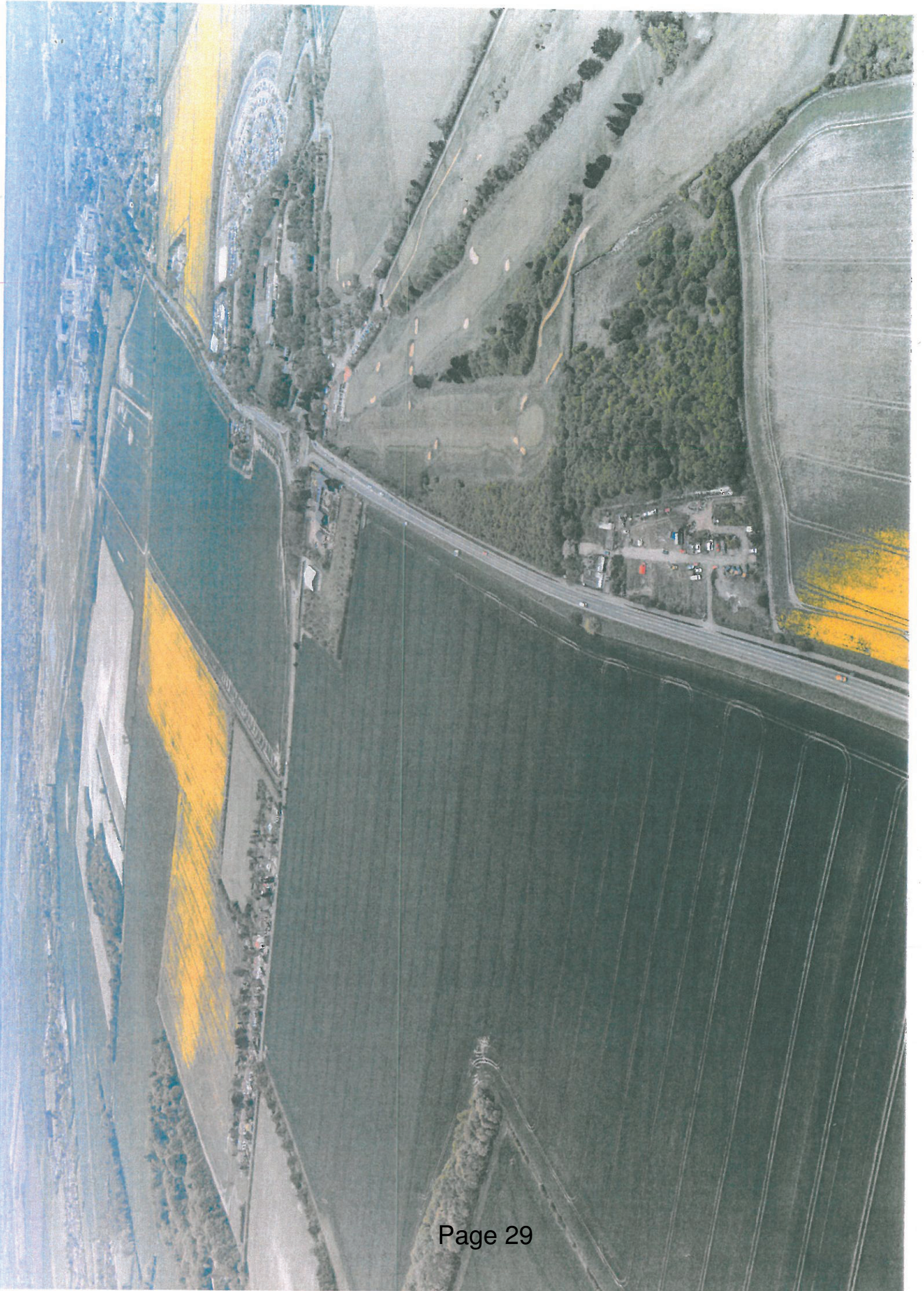
Andrew Lansley

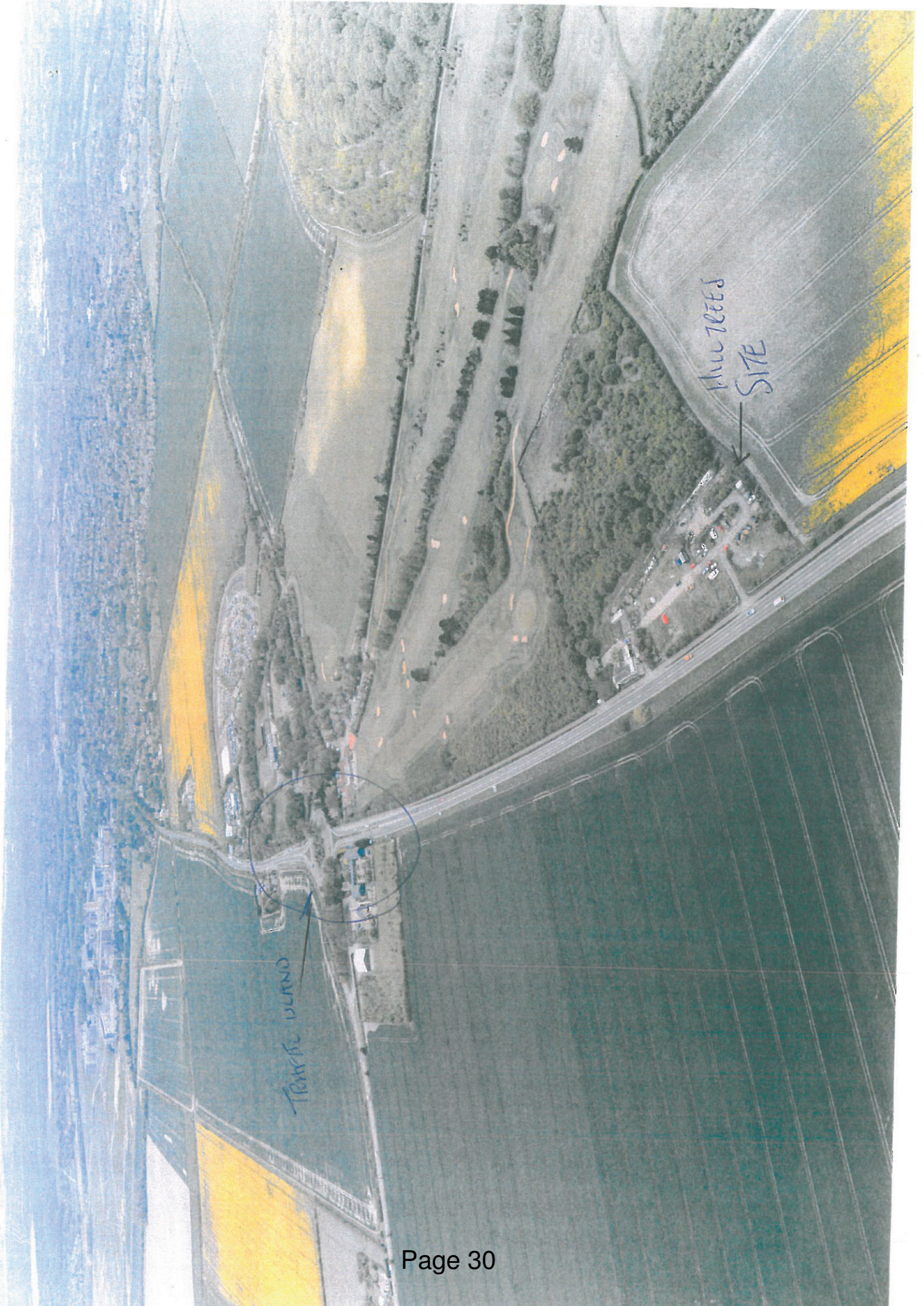
Exhibit Presented by Charles Nightingale

This is the Exhibit Marked



And referred to in my Statement





MILL TREES
SITE

TRAYNE BOUND

South Cambridgeshire District Council

Statement of Witness

Criminal Justice Act, 1967, s 9; Magistrates Courts Act 1980, ss. 5A (3a) and 5B
Magistrates Courts Rules, 1981, r. 70

STATEMENT OF: Nigel Albert Pett

ADDRESS: c/o South Cambridgeshire District Council, South
Cambridgeshire Hall, Cambourne Business Park, Cambourne,
Cambridgeshire, CB3 6EA

AGE: Over 21

OCCUPATION: Retired and statement given as the Current Chairman of
Stapleford Parish Council

This statement consisting of **ONE** pages signed by me is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

I –Nigel Albert Pett- will say that

The issues relating to Hill Trees have been discussed at the meetings of Stapleford Parish Council over the last 4 years, including reference to previous inspection reports and planning applications relating to the said property. To this end the Stapleford Parish Council resolved at its meeting on 11th April 2013 to express the concerns and a letter penned by the Clerk was duly sent to the representative of the South Cambridgeshire District Council. It stated that:

'I am writing to you on behalf of Stapleford Parish Council regarding the on- going problems at Hill Trees on the Babraham Road (A1307).

There is general concern that the site is becoming more and more of an eyesore within an area of outstanding natural beauty and that dangers are being posed, such as the plan to open a driveway directly on to a road with a 50 mph speed limit. The issue is taking a considerable amount of time to resolve and there are also concerns about the implications of this for South Cambs District Council in both terms of finance and energy.

Signed: 

Date: 8 July 2013



The Gog Magog Golf Club
Shelford Bottom, Cambridge CB22 3AB
Telephone: (01223) 247626 Fax: (01223) 414990

23 July 2012

Mr C Nightingale
12 Aylesford Way
Stapleford
Cambridge
CB22 5CP

Re: Hill Trees

Dear Charlie

I have been contacted by Maurice Palmer about your request for details of our dealings with Mr P Sanderson (Fleet Cooke) at the property on Babraham Road known as Hill Trees.

Below is a very brief summary of the issues that the Gog Magog Golf Club have had over a number of years, but we will gladly expand upon any area as you feel necessary.

- Mr Sanderson has continually disputed the boundary between Hill Trees and the Gog Magog Golf Club. However, the boundary has been confirmed by Bidwell's, in conjunction with our own landlords Gonville & Caius College.
- The Club spent in excess of £30k in 2002 to prove that that the land was and is owned by ourselves, within the terms of our lease.
- In 2008 the Club had to employ bailiffs to remove vehicles from the edge of our property and place concrete blocks to side of his property to stop the same happening again.
- In 2010 the Club found that Mr Sanderson was once again impinging onto our land with piles of scrap metal and old vehicles being deposited; this time to the rear of his property.
- At this time the Club built a new fence and trench on Club land in an effort to prevent further ingressions. Whilst the work was being undertaken, Mr Sanderson verbally abused the Club staff who were undertaking the work.
- In 2011, Mr Sanderson once again claimed that the land was his property, but the Club has not received any official notification of his latest claim and the border is regularly monitored.

Hopefully, this information will add to your cause, but we will of course be happy to help where ever necessary.

Yours Sincerely,

Kevin Mader
Secretary Manager

former Lacon Arms Pub

Bryan Davies [bryandavies7@aol.com]

Sent: 05 September 2012 10:42

To: clr.nightingale@scambs.gov.uk

Dear Councillor Nightingale

For many years we have been appalled by the unsightly state of the site surrounding the former Lacon Arms pub on the side of the Babraham road. The dumping of cars and vans - presumably for resale - is totally inappropriate for a private property in this location. We are pleased that you are trying to have this stopped.

Kind Regards

Bryan and Carol Davies
Old Galewood
Hinton Way
Great Shelford
Cambridge CB22 5AN
0044 (0)1223 843424



GOG MAGOG HILLS

Councillor Charlie Nightingale
2 Mingle Lane
Great Shelford
Cambridge
CB22

19th July 2012

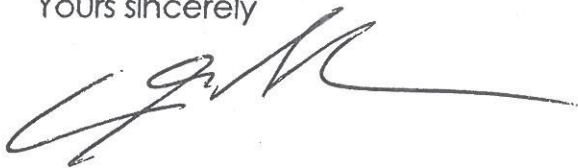
Dear Councillor Nightingale

RE: The Hill Trees Site, A1307.

On behalf of the family, staff and customers to the farm shop, I am writing to see if action can be taken on 'The Hills Trees' site that neighbours us. We are constantly being asked if there is anything that we can do ourselves, or if we have any influence to clear and improve the site.

The A1307 route over the historic Gog Magog Hills, presents itself as a beautiful approach to the city and it has been blighted for several years by abandoned vehicles and all manner of scrap materials that sit around the buildings and land. Personally I have spent a great deal of time and money improving Heath Farm and I find it deeply frustrating that 'The Hill Trees' falls deeper into disrepair.

Yours sincerely



Charles Bradford

Gog Magog Hills Ltd, Heath Farm, Shelford Bottom, Cambridge CB22 3AD.
Tel. 01223 248352 email: info@gogmagoghills.com

Incorporated in England and Wales. Registered number 06736699. VAT number 946 723 300.
Registered office: Lake House, Market Hill, Royston, Herts SG8 9JN.



BENNELL FARM

Councillor Charles Nightingale
12 Aylesford Way
Stapleford
Cambs
CB22 5DP

Date: 1st August 2012

Dear Charlie

Re. Ex Hill Trees PH, Gog Magog

When we spoke briefly in Shelford the other day I expressed my concern that no action was being taken against the commercial use of the above property.

You asked me to write expressing my concerns; however I have in fact written to you on a number of occasions about this matter and fail to see why I should have to keep reminding you of this activity.

As I understand it you are the district councillor for this area – why is no action being taken?

Yours sincerely

Robert Arnold

C.c. Jean Hunter

Godolphin Cottage, Wandlebury, Babraham, Cambridge, CB22 3AE

22 February 2010

Mr David Pepperell
Chairman, Stapleford Parish Council
15 Vine Close
Stapleford
Cambridge
CB22 5BZ

Dear David

Earlier this week I received from H M Government a publication entitled "Tackling Anti-Social Behaviour" and am prompted to write to you in your capacity as Chairman of Stapleford Parish Council.

In particular I am concerned about the 'unacceptable' activities continuing to take place in the grounds of the property (abandoned pub adjacent to Gogs Golf Club) which as you may recollect is on the east side of the A1307 one of the Gateway access roads into Cambridge. The activity - namely second-hand car dealing is an absolute environmental disaster and is getting worse.

To my knowledge, this individual has created problems previously and your representative, Victor Cornish, was active at the time (now sadly deceased).

The site is now littered with an array of cars and vans not only on the roadside but in the garden area and the volume seems to increase week by week.

I cannot comment on whether the individual is required to have a licence to 'Deal' in second hand cars and I have no knowledge concerning whether or not the vehicles are appropriately licenced - my main concern is on environmental grounds - an unsightly mess on one of the main Gateways into Cambridge which is on our patch.

Best wishes,

Yours sincerely

Chris Everitt

Godolphin Cottage, Wandlebury, Babraham, Cambridge, CB22 3AE

17th January 2011

Mr David Pepperell
Chairman, Stapleford Parish Council
15 Vine Close
Stapleford
Cambridge
CB22 5BZ

Dear David

Further to my letter of 22nd February 2010 - further copy attached (including notes taken following your speedy telephone response) - matters go from bad to worse.

More and more cars and vans/trailers etc. are being "parked" on the land and now partially blocking the newly laid tarmac cycle path. In addition two vehicles are now parked on the verge on the other side of the A1307. In addition to all this, within the last week or so the fencing which runs parallel to the path/road has been taken down leaving a mess obstructing the new cycle path. My suspicion is that Mr Fleet Coke(?) is planning to park more cars on the space being made available in front of the property - thereby further obstructing the footpath.

As you will see I am copying this letter to Cambridge Past, Present and Future (formerly Cambridge Preservation Society).

One of the gateways into Cambridge increasingly looks like a graveyard to clapped out cars. We are all concerned.

I would be grateful if you could report as to what's been happening since February last year!

Best Wishes,

Yours sincerely

Chris Everitt

c.c. Cambridge Past, Present and Future

Swain Charles

From: Rayment Anne on behalf of Reception
Sent: 06 August 2013 09:13
To: Duthie Gary; Swain Charles; Blazeby Nigel
Subject: FW: Public Eyesore - confidential (PROTECT)
Attachments: 201306190609.pdf

From: Cedric Fentiman [mailto:cedric.f@mckinleysgroup.com]
Sent: 06 August 2013 06:56
To: SCDC
Subject: Public Eyesore - confidential

Dear Sirs, (Please forward to the relevant responsible person).

Reference Public Eyesore;

I refer to the property named Hill Trees on the Babraham Road between the Shelford Bottom roundabout and the Farm shop.

Being a regular visitor to nearby properties in the immediate area I have felt compelled to raise complaints previously by phone and now in writing regarding this situation. There is a notable deterioration of this site including the public eyesore aspect and to this end I would like to draw your attention to the attached recent ruling that would seem to be a solution in dealing with this problem. Additionally cars are often manoeuvred dangerously on this busy road.

Please can action be taken on this without delay before it gets completely overrun with vehicles and mobile home buildings. Google maps show a satellite image of this site approx. 6 years ago with practically no debris on the site – a lot has happened since to cause public offence.

I look forward to your response.

This communication is confidential and I wish to remain anonymous.

C H Fentiman
07848 458988

ENTREPRENEUR

Phone: 01223 840616
wenda@parishgtshelford.plus.com

Mrs W P Burbidge
Clerk to the Council
12 Walden Way
Great Shelford
Cambridge CB22 5JH

Great Shelford Parish Council

4th May 2013

Planning Officer
South Cambridgeshire District Council
South Cambridgeshire Hall,
Cambourne Business Park,
Cambourne,
Cambridge CB23 6EA

Dear Sirs,

Hilltrees Public House, Babraham Road

Great Shelford Parish Council is greatly concerned that vehicles and other equipment are still being moved on to the above site. The council understood that following legal procedures the gentleman had been ordered to vacate the site.

Yours sincerely,

Wenda Burbidge

Clerk to the Council



Swain Charles

From: KeithnSallie <ksdixon128@btinternet.com>
Sent: 15 May 2013 15:44
To: Swain Charles
Subject: Hill Trees

Dear Mr. Swain

Stapleford Environment Group* is very concerned about the parking of old cars on Green Belt land alongside the A1307 between the Gog Magog roundabout and Heath Farm. Many years ago the house was a pub called Hill Trees although it is no longer marked on the OS map.

The number of cars on this site has increased in recent months and is now a considerable eyesore, spoiling the view from the Magog Down and other parts of the parish as it is on high ground. This is not a new problem as it started 8 or 9 years ago but many cars and a mobile home were removed only for more cars to arrive over the last 2 years.

We support any move by SCDC to have the cars removed and the area returned to agricultural land.

- Stapleford Environment Group is one of several groups set up after the Village Plan exercise approved by the Parish Council. It works alongside the Parish Council to improve the environment of the parish, which includes the premises in question.

Kind Regards

Keith Dixon
Group Convener

Appendix 3

Photograph Log

Date: 10/05/2013

Location & Description:

P1: Aerial photograph showing the complete site towards the direction of Babraham Road, Stapleford. Land "A", "B" and "C"

P2: Aerial photograph showing the complete site looking towards Cambridge

P3: Aerial photograph showing the site looking towards the Gog, Magog Golf course

P4: Close-up view of the Hill trees site – Land "A", "B" and "C"

P5: Close up aerial photograph of Land "A"

P6: Close up aerial photograph of Land "B"

P7: Close up aerial photograph of Land "C"

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Appendix 4

Photograph Log

Date: 6/09//2013

Location & Description:

P1: View of left-hand side of land "C" when entering site showing vehicles displayed for sale.

P2: View of vehicle parked in the entrance to the land "C"

P3: View of advertising sign situated on the right-hand side of the entrance to land C"

P4: Close up view of the "For-sale sign" situated in the window of the car identified in

P5: Photograph showing direction sign for visitors

P6: Further view of vehicles for sale situated on the left-hand side og the main entrance to land "C"

P7: Photograph showing further vehicles marled for sale

Date: 11/04/2013

Location & Description:

P1: View upon entering land "B" from land "A" showing importation of brick rubble

P2: View looking back towards land "A" from land "B" showing JCB and red LDV van which currently is not road worthy.

P3: View looking from land "C" towards land "B" showing the construction of a road/track, and additional vehicles including a mobile home/caravan a car trailer, motorised horse box and horse trailer, and one estate car and a small van, both of which are not road worthy.

P4: View of land "B" looking towards land "A"

P5: View of land "B" looking towards to the boundary adjacent to the golf course land and shows the brick rubble, builder's dump truck, JCB and four vehicles.

P6: View from land "B" looking towards land "C" showing the partly constructed road/track and the motorised horsebox. The remaining vehicles in view are located on land "C"

Appendix 4

Photograph Log – Cont'd

Date: 4/04/2013

Location & Description:

- P1: View upon entering land "C" from main road
- P2: View of land "A" showing mobile home which was later moved to land "B"
- P3: View from land "C" looking towards land "B" showing four motor vehicles and a hard-core track
- P4: Panoramic view of several motor vehicles stationed on land "C"
- P5: a view of land "C" showing additional cars stationed on it and 1.8mt wooden fencing.
- P6: Close up view of cars stationed on land "C" and fencing
- P7: Further view of vehicles parked on land "C"
- P8: View of touring caravan stationed on land "C"
- P9: General view of the top part of land "C"
- P10: Further view of the top part of land "C" showing the disassembled Nissen hut
- P11: View of HGV vehicle and lorry back which is used as a workshop/store
- P12: View of boundary between land "C" and "B" showing abandoned scarp material including part of a JCB. and the motorised horsebox on land "B"
- P13: View of top boundary on land "B" showing vehicles stationed – All vehicles are not road worthy
- P14: P14: View of three other vehicles stationed on the "B" land

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the
Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

Carrying out Development without the required planning permission

ISSUED BY: SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

1 **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2 **THE LAND AFFECTED** Land adjacent to Hill Trees, Babraham Road, Stapleford, Cambridgeshire, shown edged with a thick black line on the attached plan.

3 **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, materially changing the use of land from agriculture to the storage of motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture.

4 **REASONS FOR THIS NOTICE**

- A The breach of planning control in relation to the material change of use has occurred within the last ten years.
- B The use of this site for the storage of vehicles etc represents inappropriate development in the Green Belt and there are no very special circumstances to justify such development in the Green Belt. The development therefore contravenes Policy P9/2a of the Structure Plan which imposes tight restrictions on new development in the Green Belt, Policy GB2 of the Local Plan which states that permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated and Policy P1/2 of the Local Plan which states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
- C In addition, the use of the land for such purposes materially harms the rural character of the countryside contrary to Policy EN1 of the Local Plan which states that permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas.

5 **WHAT YOU ARE REQUIRED TO DO**

Remove from the site all motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture.

Time for compliance: Within two months after this notice take effect

6 WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 31 March 2005, unless an appeal is made against it beforehand.

Dated: 23rd February 2005

Signed:



Head of Legal Services

On behalf of: South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB3 6EA. (Please quote the Council's reference number in any correspondence: E499).

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the 31 March 2005.

NOTE:

- 1 If you wish to appeal this Notice on ground (a) [permission should be given for the use or operational development enforced against] there will be fees payable both to the Planning Inspectorate and the Council each of the amount of the normal planning application fee namely £220 (making a total of £440). The fees should be sent with the appeal forms. Cheques sent to the Inspectorate should be payable to "Office of the Deputy Prime Minister"; cheques sent to the Council should be payable to "South Cambridgeshire District Council".
- 2 A copy of all the relevant development plan policies is attached.

Please note that a separate appeal form must be completed for each individual person or organisation.

ANNEX

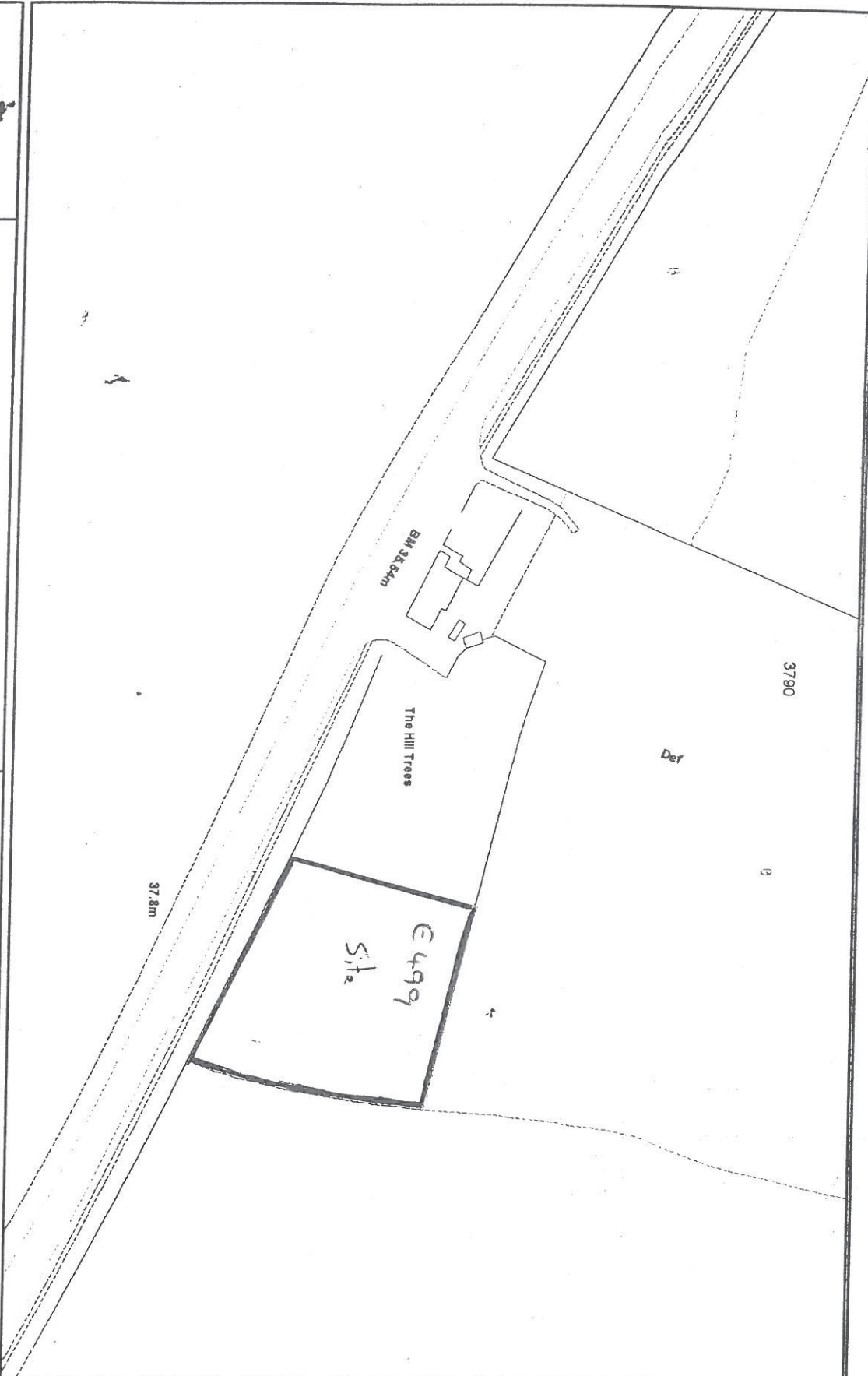
The enclosed booklet "Making your Enforcement Appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms. If you decide to lodge an appeal one copy must be sent to the Secretary of State with the fee together with the spare copy of the Enforcement Notice enclosed. One copy should be sent to the South Cambridgeshire District Council with the other fee and the final copy is for you to keep as a duplicate for your own records.

Please note that if you decide to appeal against this notice you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring you, a statement in writing specifying the grounds on which you are appealing against this notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice it will take effect on the 31 March 2005 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Land adjacent to Hilltrees, Babraham Road, Stapleford



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250
Centre = 548379 E 253828 N

Date 18/2/2005



SCDC Ref No: E499A

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

STOP NOTICE

To: The owners and occupiers of **Hill Trees, Babraham Road, STAPLEFORD, Cambridge** and all other persons having an interest in the land described in the Schedule hereto.

WHEREAS

- (1) The South Cambridgeshire District Council (hereinafter called "the Council") are the Local Planning Authority for (inter alia) the purposes of Part VII of the Town and Country Planning Act 1990 (hereinafter called "the Act").
- (2) The land described in the Schedule hereto (hereinafter called "the said land") is land in respect of which the Council have served an enforcement notice dated the 23rd February, 2005, under section 172 of the Act, a copy of which is attached hereto.

NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in section 183 of the Act the Council **DO HEREBY PROHIBIT** each and every person on whom this Stop Notice is served from carrying out or continuing on the said land the following activities namely:

Using the land for the storage of motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture

AND FURTHER TAKE NOTICE that if, while this notice has effect in relation to any person, that person carries out or causes or permits to be carried out any operations prohibited by this notice, he will be guilty of an offence and liable on summary conviction to a maximum fine not exceeding £20,000 or on conviction on indictment to a fine.

THIS NOTICE SHALL TAKE EFFECT on 5th March 2005. There is no development plan justification for such activity and the development carried out so far represents an unacceptable visual intrusion into the open landscape in the countryside.

THIS NOTICE will continue to have effect until it is withdrawn by the Council by a notice for that purpose or until the enforcement notice hereinbefore referred to is withdrawn or quashed, or until the period allowed for compliance with the enforcement notice expires, and also if or to the extent that the activities prohibited by this notice cease, on a variation of the enforcement notice, to be included in the matters alleged by that notice to constitute a breach of planning control.

Hill Trees, Babraham Road, STAPLEFORD, Cambridge

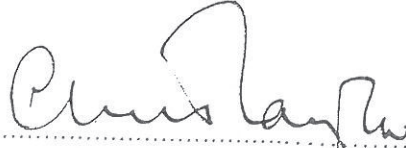
SCHEDULE

Land adjacent to Hill Trees, Babraham Road, STAPLEFORD, Cambridge

Date this 28th February, 2005.

South Cambridgeshire Hall
Cambourne Business Park,
Cambridge. CB3 6EA
Address to which all
communications are to be sent.

Signed



(Head of Legal Services)
(The Officer appointed for this purpose)

SCDC, Ref No: E499a

S. 183 Town and Country Planning Act 1990

SITE NOTICE

To the Owners and Occupiers of land adjacent to Hill Trees, Babraham Road, STAPLEFORD, Cambridge and all others whom it may concern

TAKE NOTICE that a stop notice has been served in respect of this site in the terms of the copy attached and comes into effect on 5th March, 2005,

Any person contravening the provisions of the stop notice may be prosecuted for an offence under S.187 of the Town and Country Planning Act 1990.

The requirements of the stop notice are to prohibit from carrying out or continuing on the site.

Using the land for the storage of motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture

Dated this 28th February, 2005.


Head of Legal Services

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambridge, CB3 6EA



Appeal Decision

Inquiry held and site visit made on 18 October 2005

by **David C Pinner BSc DipTP MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date **02 NOV 2005**

Appeal Ref: APP/W0530/C/05/2001784

Land at Hill Trees, Babraham Road, Cambridge, CB2 4AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Fleet Cooke against an enforcement notice issued by South Cambridgeshire District Council.
- The Council's reference is E499.
- The notice was issued on 23 February 2005.
- The breach of planning control as alleged in the notice is without planning permission, materially changing the use of the land from agriculture to the storage of motor vehicles, caravans/mobile homes, containers, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture.
- The requirements of the notice are to remove from the site all motor vehicles, caravans/mobile homes, containers, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture.
- The period for compliance with the requirements is within two months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended.
- An application for planning permission is deemed to have been made under section 177(5) of the Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Preliminary Matters

1. All evidence was given under oath.
2. At my site inspection, I noted that the mobile home had not been levelled up and was not used for any purpose. Parked on the land were two transporter (beavertail) lorries; two vans; one small tipper lorry and a small flatbed lorry. There was a single car transporter trailer and a horse box trailer, a large van body, a JCB excavator, a dismantled nissen hut, various piles of timber, overgrown piles of bricks and stones, paving slabs, an oil tank, a generator and various items of scrap metal. None of the vehicles were taxed for use on the road and most looked as though they needed work before they could be used on the road again.

Ground (d)

3. The appellant acknowledges that he has only been using the appeal site in the manner described in the enforcement notice for about four years. The Council acknowledges that the appellant has had an association with Hill Trees for more than 10 years. In essence, the appellant's case is that the whole of the Hill Trees site comprises a single planning unit and that his use of different parts of it at different times, but in total for more than 10 years, for

storage purposes and as a site for a mobile home means that those uses have become lawful wherever within the overall site they may be taking place for the time being. His view is that the appeal site itself is a part of the overall Hill Trees site and does not comprise a separate planning unit.

4. The appellant appears to be relating the concept of the planning unit to land ownership or occupancy. The term "planning unit" has emerged through case law. Amongst other things, it provides a means of understanding the inter-relationship between various land uses. Ownership and occupancy of land do not necessarily have a bearing on what comprises a particular planning unit.
5. Applying the concept to Hill Trees, there are several separate planning uses. In particular, there is the residential use of the building and its curtilage; there is a separate use of the adjoining field for growing flowers and then there is the appellant's use of the appeal site for the purposes alleged in the enforcement notice. This use is not incidental to either the flower growing use or to the residential use of Hill Trees. In planning terms, although the areas used for the three uses might be occupied together in some way, the three uses are all independent of each other and undertaken on different parts of the Hill Trees site. Hence, each comprises a separate planning unit.
6. Where no planning permission exists for a particular use of land, the extent of the planning unit will need to be determined as a matter of fact and degree having regard in particular to the area of land actually being used for the purpose. In this case, there is no difficulty in identifying the extent of the relevant planning unit because the storage use is taking place within a fenced area that accounts for about half of the appeal site. The fact that this land is accessible via gates from other parts of Hill Trees has no bearing on the extent of the planning unit. The appellant accepts that the area now used for storage was unused agricultural/garden land until about 4 years ago. Clearly, his use of the land as described in the enforcement notice cannot have become lawful because it has not been undertaken on the land for at least 10 years. Similar uses of other parts of Hill Trees in the past cannot count towards the 10 year period with regard to the appeal site. The appeal on ground (d) therefore fails.

Ground (a) and the deemed application

7. The appeal site lies within the Green Belt where there are very strict planning policies to control development. The Council's policies mirror national Green Belt policies as set out in Planning Policy Guidance Note 2 *Green Belts* (PPG2). PPG2 sets out a presumption against inappropriate development in the Green Belt and establishes that such development is harmful by definition. Inappropriate development cannot be justified unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
8. PPG2 establishes that uses of land that do not preserve the openness of the Green Belt are inappropriate development. In this context, openness means undeveloped, rather than not enclosed. Hence, even land that is surrounded by woodland would be regarded as open land if it had not been developed. The use of the appeal site for storage purposes has involved the development of previously undeveloped land. It does not preserve the openness of the Green Belt and would not do so even if it were screened by trees. Furthermore, the appeal site is part of an attractive landscape. The mobile home and the vehicles parked on the site are

highly visible from several vantage points and detract considerably from the character and appearance of the open countryside. The infilled chalk pit to the north has largely reverted to nature and provides no justification for developing the appeal site. The use is therefore harmful to the Green Belt because it represents inappropriate development, it harms the openness of the Green Belt and it harms the character and appearance of the open countryside. The appeal on ground (a) could only succeed if all of this harm were to be clearly outweighed by other considerations. In other words, the scheme would have to have substantial benefits.

9. The only benefit that the appellant put forward was that, if his use of the site were to be permitted, it would enable him to be on call to help the owner of Hill Trees, an elderly lady whom he has assisted for many years. That is an unconvincing argument because nothing stored on the site has any obvious connection with the appellant's purpose of assisting his friend. Furthermore, the personal benefit described can only be given limited weight and would not clearly outweigh the harm to wider public interests caused by the development.
10. I have considered other matters put forward, such as the possibility of the site eventually being screened by the trees that have recently been planted and the suggestion that an agricultural use of the land might have a similar visual impact. However, even if I were to agree with those points of view, at best, they might reduce the weight on the negative side of the balance of considerations. They would not represent any positive advantages that could weigh in favour of the development. I therefore conclude that very special circumstances do not exist to justify granting permission for this inappropriate development in the Green Belt.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

12. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.



INSPECTOR

APPEARANCES

For the Appellant:

Mr F Cooke Appellant

For the Local Planning Authority:

Miss C Dunnett Solicitor, South Cambridgeshire District Council

She called:

Mr J Koch DipTP MRTPI Principal Appeals Officer, South Cambridgeshire District Council

Interested Persons:

Cllr. C Nightingale District Councillor for the Shelford area of South Cambridgeshire

Mr V Cornish Stapleford Parish Council

DOCUMENTS

- Document 1 List of persons present at the inquiry
- Document 2 Council's letter of notification of the inquiry and list of those notified
- Document 3 Objection letter from Colin C Bradford
- Document 4 Appendices JK 1 to JK 11 to Mr Koch's Proof of Evidence
- Document 5 Mr Cornish's statement

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd April 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

B/1/45/85 – STAPLEFORD Breach of Enforcement Notice

**Land adjacent to Hill Trees, Babraham Road,
Stapleford, Cambridgeshire CB22 4AD**

The current breach of the Enforcement Notice has been reported to the Planning Committee for authority to proceed with “Direct Action” to ensure compliance with the Enforcement Notice.

Background

1. The site is located in open rolling countryside, on the slopes of the Gog Magog Hills, which form an important and distinctive element in the otherwise flat landscape setting around the City of Cambridge, and is 100m off the A1307 Babraham Road, Stapleford. It is within the Cambridge Green Belt, where there is a presumption against inappropriate types of development.
2. Following a complaint on the 28th October 2004, and subsequent investigation that a mobile home and other vehicles and materials had been moved on to land adjacent to Hill Trees, Babraham Road, Stapleford without planning permission, a Planning Enforcement Notice, SCDC Reference No: E499 was issued on the 23rd February 2005.
3. The Enforcement Notice, No E499 was appealed in March 2005 - On The 2nd November 2005 the Planning Inspectorate dismissed the Appeal and the Enforcement Notice was upheld. The Inspector refused to grant planning permission on the deemed application.
4. As a result of the decision several motor vehicles, were subsequently removed from the land, however a Mobile home, a Nissen hut and several other items allegedly used for / in connection with the land still remained. A retrospective planning application for the Mobile Home and Nissen hut (S/1469/06/O) was registered on the 28th July 2006. Having considered the merits of the Planning application, it was decided to formally refuse the application. The decision, dated 15th September 2006, was again appealed - The Planning Inspectorate dismissed the appeal on the 29th January 2008 having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety.

Considerations

5. A site inspection on the 31st January 2008 and 5th March 2008 has confirmed that the mobile home/ caravan and a white Nissen motor vehicle still remain on the land and are in breach of the current Enforcement Notice.

6. A current check of the Land Registry Title information for the land adjacent to Hill Trees, Babraham Road, Stapleford, Cambridgeshire CB22 4AD has revealed that there are no recorded owners for the property known as Hill Trees or the land adjacent to it.

Financial Implications

7. Cost of direct action is estimated to be £1550 plus VAT for the removal of the Mobile home/caravan and the motor vehicle with storage charges of £60 plus VAT per day. The property has to be retained for a minimum period of 7 days to allow the owner to claim his property.

Legal

8. The power to exercise all enforcement functions comes under the Town and Country Planning Act 1990'. In this respect, the statutory power to take direct action is derived from section 178(1) T&CPA 1990 currently extant. The Planning and Compensation Act 1991, gives the power to execute works required by enforcement where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice. Section 7-(1) of the Act gives the Local Planning Authority the power to - a) enter the land and take steps; and b) recover from the person who is then the owner/occupier of the land any expenses reasonably incurred by them in doing so."

Options

9. There are previous planning control complaints involving the occupier of this land that has resulted in substantial costs to the Council over a number of years. Therefore, on this occasion, it would not be in the public interest to seek further actions through the courts, but instead instigate "Direct Action" and remove the unauthorised mobile home /caravan and motor vehicle from the land, as this would be the most immediate and most cost effective route to resolve this breach of planning control. Any publicity in connection with this action, positive or negative, would serve as a reminder to the Public that the Council will act accordingly where breaches of planning control are identified and cannot be resolved through the normal process.

Recommendation

10. In summary therefore given the previous expenditure to the Council to date, and having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety the recommendation is that direct action be taken to remove the unauthorised mobile home/ caravan and motor vehicle from the land.

Background Papers:

11. The following background/ case file papers were used in the preparation of this report:
 - a) Enforcement Notice dated 23rd February 2005.
 - b) Appeal Decisions dated 2nd November 2005 and 29th January 2008.

Contact Officer: Charles Robert Swain – Planning & High Hedges Enforcement Officer
Telephone: (01954) 713206

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 2 April 2008 at 2.00 p.m.

PRESENT: Councillor CR Nightingale – Chairman
Councillor Mrs JM Guest – Vice-Chairman

Councillors:	BR Burling	Mrs SA Hatton
	Mrs CA Hunt	SGM Kindersley
	AG Orgee	Mrs DP Roberts
	Mrs HM Smith	RJ Turner
	JF Williams	TJ Wotherspoon

Officers in attendance for all or part of the meeting:

Gary Duthie (Senior Lawyer), David Grech (Principal Conservation Officer), Gareth Jones (Corporate Manager, Planning & Sustainable Communities), Tony Marks (Enforcement Officer - Development Control), Ray McMurray (Area Planning Officer), Melissa Reynolds (Area Planning Officer), David Rush (Development Control Manager), Ian Senior (Democratic Services Officer), Paul Sexton (Area Planning Officer), Pamela Thornton (Senior Planning Officer) and Kate Wood (Principal Planning Officer (Major Developments))

Councillors Mrs JE Lockwood, MJ Mason, NJ Scarr and NIC Wright were in attendance, by invitation.

Apologies for absence were received from Councillors Mrs PS Corney, RE Barrett, Mrs PM Bear and TD Bygott (Councillor TJ Wotherspoon acting as substitute).

179. GENERAL DECLARATIONS OF INTEREST

Councillor SGM Kindersley declared a personal interest as a Cambridgeshire County Councillor, especially in relation to minute numbers 173 (Gamlingay) and 177 (Barrington), which were both parishes within his Electoral Division of Gamlingay, and 178 (Appeals).

Councillor AG Orgee declared a personal interest as a Cambridgeshire County Councillor, especially in relation to minute numbers 182 (Harston), 185 (Great Shelford) and 189 (Stapleford).

Councillor RJ Turner declared a personal interest as a Cambridgeshire County Councillor, especially in relation to minute number 181 (Fulbourn)

180. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 5 March 2008.

181. S/0132/08/F – FULBOURN (NEW ACCESS ROAD AT QUEENS FARM, WILBRAHAM ROAD)

Will Lusty (applicant's agent) and Councillor Neil Scarr (a local Member) addressed the meeting.

The Committee **REFUSED** the application for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities). The Committee

RESOLVED that appropriate enforcement action be taken and that an appropriate compliance period be determined in conjunction with local Members to secure improvements to the existing access road and junction.

Councillor NJ Scarr declared a personal interest as a member of Fulbourn Parish Council. He had not been present at the meeting at which the Parish Council had discussed the application.

182. S/0089/08/F – HARSTON (LAND R/O 44 & 46 LONDON ROAD)

Peter Clark (applicant's agent), and Councillor Janet Lockwood (local Member) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, subject to no new material planning representations about the amended drawings being received within the consultation period.

183. S/0229/08/F – HISTON (1 AINGERS ROAD)

Don Proctor for RPS (applicant's agent), and Councillor Mike Mason (a local Member) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, as amended by letter and plans date stamped 14 March 2008, subject to clarification from the applicant of its control of the land on which the visibility splays for the pedestrian access are located, and to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

Councillor MJ Mason declared a personal interest as a member of Histon Parish Council.

184. S/0146/08/F - IMPINGTON (LAND NORTH OF IMPINGTON LANE)

Councillor Mike Mason (a local Member) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO REFUSE** the application for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities), subject to the further detailed comments awaited and the Highway Agency's holding objection.

185. S/1597/07/F – GREAT SHELFORD (40 CHURCH STREET)

Sheila Smith (objector) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 2 April 2008. The Committee **APPROVED** the application, as amended by letter dated 4th February 2008 and drawings date stamped 12th February 2008, subject to the deletion of Condition 1 referred to in the report from the Corporate Manager (Planning and Sustainable Communities) (requiring the flue to be painted black within three months of issue of the Decision Notice) and addition of a Condition requiring that the flue be removed if no longer needed.

Councillor CR Nightingale declared a personal interest as a member of Great Shelford Parish Council but stated that he took no part in the meeting at which this application had been considered and that he was considering the matter afresh.

186. S/0184/08/F AND S/0185/08/F – CASTLE CAMPS (LOWER CAMPS HALL FARM)

David Spencer (applicant) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 2 April 2008. The Committee gave officers **DELEGATED POWERS TO APPROVE** both applications subject to the receipt of amended site plans showing the footprint of the buildings and access to the site as being on land within the applicant's ownership, and to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

The Committee also resolved that enforcement action be taken to require the cessation of use of part of the existing building as a dwelling house with a compliance period of six months.

187. S/2287/07/F – FOWLMERE (WELDING ALLOYS LTD, THE WAY)

The Committee **REFUSED** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reason for refusal as being the proposal's adverse impact on residential properties due to noise, and its conflict with policies DP/3, ET/5 and NE/15 of the South Cambridgeshire Local Development Framework 2007.

Councillor Mrs DP Roberts declared a personal interest as a member of Fowlmere Parish Council but stated that she was considering the matter afresh.

188. S/0260/08/O – GAMLINGAY (30 CINQUES ROAD)

The Committee **REFUSED** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reason for refusal as being the absence of any affordable housing provision as required by Policy HG/3 of the South Cambridgeshire Local Development Framework 2007.

Councillor Mrs DP Roberts did not vote because she was not present in the Chamber during the first part of the debate.

189. B/1/45/85 – STAPLEFORD (LAND ADJACENT TO HILL TREES, BABRAHAM ROAD)

Prior to considering this application, the Committee attended a site visit on 2 April 2008. The Committee **RESOLVED** that direct action be taken to remove the unauthorised mobile home / caravan and motor vehicle from the land.

190. S/0125/08/F – LANDBEACH (LAND BETWEEN 60 & 70 HIGH ST)

It was reported that the applicant was the Ely Diocese Board of Finance.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, subject to the receipt of the Local Highways Authority's response to consultation, the applicant agreeing to pay a commuted sum in respect of public open space, and the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

191. S/6103/00/F – CAMBOURNE (PLOT 3000, SOUTH SIDE, CAMBOURNE BUSINESS PARK)

The Committee **APPROVED** the application for the use and proposed bollards and signage until 31st March 2009 for the reason set out in the report from the Corporate Manager (Planning and Sustainable Communities) and subject to

1. the submission of details of the proposed bollards and signage for approval prior to their first use;
2. the bollards and signage being removed on or before 31st March 2009; and
3. the Council
 - updating and actively implementing its Travel for Work Plan
 - promoting improved public bus services and their use by staff and visitors
 - making more efficient use of the existing car parks by reserving only essential requirements such as disabled spaces, leading Members and key staff (not meeting attendees)
 - increasing the on-site car parking provision by about 30 additional car parking spaces, to the west and north of the building, of which 10 would be for overflow parking on an occasional basis utilising part of the existing amenity area at the rear of the building
 - taking a one year lease of the application site temporary car park so that it could be used for pre-programmed events such as full Council meetings, training or conferences which were attended by members of the public

192. S/0012/08/RM – CAMBOURNE (LAND PARCEL UC09, UPPER CAMBOURNE)

The Committee **APPROVED** the Reserved Matters of layout, scale, appearance, access and principles of landscaping as amended by plans date stamped 7th March 2008 for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities) and subject to the Conditions referred to therein.

193. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **NOTED** a report on Appeals against planning decisions and enforcement action.

194. ENFORCEMENT ACTION

The Committee **NOTED** a report on enforcement action ongoing as at 9 January 2008.

The Meeting ended at 5.40 p.m.

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IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

South Cambridgeshire District Council


**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the PLANNING AND COMPENSATION ACT 1991)**

PLANNING CONTRAVENTION NOTICE

Hill Trees, Babraham Road, Great Shelford, Cambridgeshire CB22 3AD

1. It appears to the South Cambridgeshire District Council ("the Council"), being the local planning authority for the purpose of section 171C of the Town and Country Planning Act 1990 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("the land").
2. The breach of planning control that may have occurred is specified in Schedule 2 below.
3. This notice is served on you as a person who -
 - (a) Is the owner or occupier of the land or has any other interest in it; or
 - (b) Is carrying out operations in, on, over or under the land or is using it for any purpose.
4. **In exercise of their powers under section 171C(2) and (3) of the Act the Council require you, so far as you are able, to give them the following information in writing within 21 days, beginning with the day on which this notice is served on you: -**
 - (1) What is the nature of your interest (if any) in the land e.g. freehold owner with/without mortgage, tenant etc. Please give your full name and address together with your interest.
 - (2) Please give the names and addresses of any other persons known by you to have an interest in the land e.g. owner, mortgagee tenant etc.
 - (3) When did the car sales business first commence at Hill Trees?
 - (4) Who is responsible for the business activity?
 - (5) What interest to you have in the car sales business, e.g. Partner, Landlord etc
 - (6) Do you have planning permission for the change of Use relating to the car sales business
 - (7) How many sales vehicles are stored at the property and how many are stored elsewhere?
 - (8) Approximately how many vehicles are sold per week?
 - (9) What are your hours of operation and on what days of the week?
 - (10) Is there any other facts relating to this matter that the Council should be aware of?

Dated: 26th August 2009.

Signed

Charles Robert Swain.
Council's authorised Officer

SCHEDULE 1

Land to which this notice relates

Hill Trees, Babraham Road, Great Shelford, Cambridgeshire CB22 3AD

SCHEDULE 2

Alleged breach of planning contravention

Change of Use

WARNING

1. It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within 21 days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of **£1,000**. Continuing failure to comply following a conviction will constitute a further offence.
2. It is also an offence knowingly or recklessly to give information, in respect to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of **£5,000**.

ADDITIONAL INFORMATION

3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.
4. If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

REF PCN 21/2009. F COOK

136 PERMERS ROAD

CAMBRIDGE

CB1 3NX

20TH - 9 - 09.

- ① RENTING.
- ② MISS F. COOK. AS ABOVE.
- ③ ESTABLISHED.
- ④ FLEET COOK
- ⑤ MISS COOK. NO INTEREST IN CAR SALES
- ⑥ ESTABLISHED.
- ⑦ STORED ON PREMISES 6-8 VEHICLES
- ⑧ APPROX. ONE PER WEEK
- ⑨ VEHICLES DISPLAYED, PEOPLE PHONE BY MOBILE PHONE AND I MAKE APPOINTMENT TO VIEW.
- ⑩ WAS SALES FROM FRONT OF OLD PUB HILL TRAIT FOR 30 YEARS ^{APPROX} & FOR ^{FOR} GARDEN. PLANTS + FLOWERS ETC.



ALSO FOR FRONA. COOK WITH US
IN HOSPITAL.

John Cook

SCDC Ref No: **PLAENF.3837**

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

SECTION 172 TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

The change of use of residential accommodation to a mixed use of residential and motor vehicles sales and repair without the required planning permission

To: Mrs Freda Cook, Hill Trees, Babraham Road, Stapleford, Cambridge, CB22 3AD
Mr Fleet Cooke, 136 Perne Road, Cambridge, CB1 3NX

ISSUED BY: **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2 THE LAND AFFECTED

The land and property situate at and known as Hill Trees, Babraham Road, Stapleford, Cambridge, CB22 3AD shown edged with a thick black line on the attached plan.

3 THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the change in use of residential accommodation to a mixed use of residential and motor vehicles sale and repair.

4 REASONS FOR THIS NOTICE

- a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- b) The use of the land for a car sales business constitutes inappropriate development in the Green Belt by definition, and there are not considered to be any exceptional or very special circumstances to justify such a use. The use is therefore contrary to Policy GB/1 of the Local Development Framework 2007, which states that there is a presumption against inappropriate development in the Green Belt.
- c) The use of the land as a car sales business is not a use that requires a rural location. It is therefore contrary to Policy DP/7 of the LDF 2007, which states that, outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
- d) The use detracts from the visual amenity of the countryside and the openness and rural character of the Green Belt, contrary to LDF Policies DP/3 and NE/4, which resist development that has an unacceptable adverse impact on the countryside and landscape character.
- e) The use, in increasing the volume of traffic entering and leaving the site, would have an adverse effect on the safety and free flow of traffic on the adjoining public highway, contrary to LDF Policy DP/3 which resists development that has an unacceptable adverse impact from traffic generated.

5 **WHAT YOU ARE REQUIRED TO DO**

Cease the use of the land for motor vehicles sales and repair.

6 **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 15th March 2010 unless an appeal is made against it beforehand.

7 **TIME FOR COMPLIANCE**

The steps set out in paragraph 5 above must be performed within one month following the date this notice takes effect.

Dated: 3rd FEBRUARY 2010

Signed: *Simon M. Clarke* Acting Legal & Democratic Services Manager

On behalf of: South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA. (Please quote the Council's reference number in any correspondence: **PLAENF.3837**)

ANNEXE

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be sent so that it is delivered by post or electronic transmission to the Secretary of State **before the date stated in paragraph 7** of this notice. **Please note that a separate appeal must be lodged for each individual person or organisation desiring to appeal.**

NOTE:

1. If you wish to appeal this Notice on ground (a) [permission should be given for the use or operational development enforced against], this is the equivalent of applying for planning permission for the development alleged in the notice and there will be fees payable both to the Planning Inspectorate and the Council each of the amount of the normal planning application fee namely **£335** (making a total of **£670**). The fees should be sent when any appeal is made and joint appellants need only pay one set of fees. Cheques sent to the Inspectorate should be payable to "Department for Communities and Local Government"; cheques sent to the Council should be payable to "South Cambridgeshire District Council".

2. Copies of all relevant development plan policies are attached.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

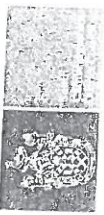
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173 (9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

You may appeal on-line through the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or in paper by obtaining enforcement appeal forms from the Planning Inspectorate who may be contacted by telephoning 0117 3726372 or by email (enquiries@pins.gsi.gov.uk).

Copies of the Planning Inspectorate's booklet "Guide to Taking Part in Planning Enforcement Appeals" may be obtained free of charge from the same source or by request from South Cambridgeshire District Council.

HILL TINES, BABRAM ROAD, STAPLEFORD,
CAMBRIDGEShire, CB22 3AD



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Appeal Decision

Inquiry held and site visit made on 12 October 2010

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2010

Appeal Ref: APP/W0530/C/10/2124575

Land at Hill Trees, Babraham Road, Stapleford, Cambridge CB22 3AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Fleet Cooke against an enforcement notice issued by South Cambridgeshire District Council.
- The Council's reference is PLAENF.3837.
- The notice was issued on 3 February 2010.
- The breach of planning control as alleged in the notice is without planning permission, the change in use of residential accommodation to a mixed use of residential and motor vehicles sale and repair.
- The requirement of the notice is to cease the use of the land for motor vehicles sales and repair.
- The period for compliance with the requirement is one month.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the initial appeal on ground (a) has lapsed and the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld subject to corrections.

Procedural matters

1. At the Inquiry an application for costs was made by South Cambridgeshire District Council against Fleet Cooke. This application is the subject of a separate decision.
2. All oral evidence presented at the Inquiry was taken on oath.
3. The Appellant confirmed at the Inquiry that initial appeals against the enforcement notice on grounds (b), (c) and (f) were withdrawn.

The notice

4. The Council takes the view that, although currently vacant, the main building on the appeal site benefits from a lawful use as residential accommodation, and that land and other buildings within its curtilage are incidental to that use. However, at the Inquiry, the Appellant questioned the accuracy of the Council's description in section 3 of the enforcement notice of the use of the land prior to the alleged breach of planning control as 'residential accommodation'.
5. He pointed out that the site has been used in the past for horticultural purposes and dog breeding, with derelict kennels and runs associated with the latter still present today. However, the Council considers these activities to

have been ancillary to residential occupation and that, in any event, they were no longer ongoing by the time the notice was issued. Having neither seen nor heard any cogent evidence to the contrary I have no reason to disagree, and thus find no justification for including reference to those uses in the allegation.

6. Nonetheless, in the interests of precision I will correct the notice at section 3 by rewording the allegation as follows: *Without planning permission, the material change of use of the land from use as residential accommodation and for purposes incidental thereto to a mixed use comprising residential accommodation, purposes incidental thereto and the sale and repair of motor vehicles.* For the sake of consistency within the notice, I will make a corresponding revision to the wording of section 5 and delete the superfluous sub-heading at the beginning of the notice, immediately above the names of those on whom the document was served. There is no injustice to any party in making any of these corrections.

The appeal on ground (d)

7. In appealing on ground (d), the burden of proof is firmly on the Appellant to demonstrate on the balance of probabilities that the material change of use of the land in question to a mixed use that included the sale and repair of motor vehicles occurred prior to the beginning a period of 10 years ending with the issuing of the enforcement notice (henceforth referred to as 'the relevant period'), and that such use continued unbroken thereafter and was not subsequently abandoned or supplanted before the notice was issued. The material date is therefore 3 February 2000.
8. The appeal site comprises a former public house, long since used as residential accommodation and for the breeding of dogs but currently vacant, together with the land and buildings that fall within its curtilage. At the time of my visit, some 16 vehicles were parked on various parts of the land. Most of these were confined to a relatively small area to the immediate east of the main building, in front of a garage, and displayed handwritten signs indicating their sale price. Others, lacking signage, occupied a narrow strip of land along the northern boundary of the eastern part of the site.
9. On the Appellant's oral evidence, given on oath, vehicles are advertised for sale in the press, access to the site for prospective purchasers is by appointment only, and on-site repairs are confined to those vehicles he has acquired for sale. He also asserted that he had been using the particular parts of the land identified above continuously for the sale and repair of motor vehicles, in conjunction with land to the east and north of the appeal site, for up to 15 years before the enforcement notice was issued.
10. Mr Cooke told the Inquiry that, for the last three years or so, he has sold on average at least one vehicle per week from the site and sometimes as many as three. Prior to this he sold about one vehicle per month, albeit that for unspecified spells of a few months during the relevant period no sales took place at all. He thus contends that the alleged mixed use is immune from enforcement action by reason of the passage of time, the sale and repair of motor vehicles first having taken place on the site prior to 3 February 2000 and having continued ever since.
11. The Council has produced no evidence that directly contradicts Mr Cooke's account of the history of activity on the appeal site and, at the Inquiry, its sole witness acknowledged the possibility that the Appellant's claims might be

- correct. Nonetheless, in accordance with paragraph 8.15 of Annex 8 to Circular 10/97: *Enforcing Planning Control: Legislative Provisions and Procedural Requirements* (which although specifically concerned with Lawful Development Certificates is equally applicable to ground (d) appeals), I must consider whether the Appellant's evidence alone is sufficiently precise and unambiguous to justify allowing the appeal on the balance of probabilities. I must also explore, on the same basis, whether a material change of use took place *within* the relevant period rather than prior to it.
12. With regard to the first of these questions, I find Mr Cooke's evidence to be vague and imprecise. During the Inquiry he responded to several questions by indicating that he did not remember the answers. In particular, he was unable to supply reliable facts, figures or dates relating to numbers of vehicles on the site, sales levels beyond the broad estimates I have already referred to or the periods of time during which no sales took place. He has provided no documentary or photographic evidence whatsoever to refine or substantiate his oral submissions.
 13. In addressing the second question, I am mindful of the High Court judgment in *SSETR & Holding v Thurrock BC* [2001] JPL 1388, subsequently upheld by the Court of Appeal. As reaffirmed therein, change of use is often a gradual process, involving fluctuations in intensity and shifts in precise location. In such cases, it was held, the only effective test is to compare the present use with the previous use, or the use in the base year (10 years prior to the taking of enforcement action) and assess whether there has been any material change.
 14. It is common ground between the parties that the Appellant has been associated with High Trees in one way or another since well before the material date. Moreover, taking his oral evidence at face value, he may well have kept vehicles on parts of the appeal site with intent to sell, and carried out repairs thereto, since before the commencement of the relevant period. However, Mr Cooke's statements to the Inquiry indicate to me a likelihood that the level of sales and repair activity during the first seven or so years of that period was so small as to be *de minimis*. In other words, it was not of sufficient scale and intensity to signify a material change from the prevailing lawful residential use of the site.
 15. The sale of one vehicle per month does not amount to significant sales activity. Moreover, on the Appellant's own evidence, no sales at all took place for periods of a few months. It is reasonable to assume, in the absence of any indication to the contrary, that repairs activity at these times was similarly limited. This raises serious questions as to whether sales and repairs, no matter how low key, were continuous for the whole of the relevant period. The correct approach in this regard is to ask whether there was any period during that period when the Council could not have taken enforcement action against the alleged use. It is also necessary to make a finding as to whether any periods of non-use were more than *de minimis*. There is no cogent evidence whatsoever before me to the effect that Mr Cooke's activities were sufficiently intense throughout the years in question to pass these tests.
 16. I give little credence to the suggestion that the storage of vehicles on the land which were available for sale, whether or not any were actually sold, amounted to a 'sales' use. The Appellant's *modus operandi* was such that it was not strictly necessary to display 'for sale' signs on his vehicles and, indeed, he

confirmed at the Inquiry that such signage had not always been provided. In these circumstances, the mere presence of vehicles on site which the Appellant would be prepared to sell if asked to do so would not in itself have amounted to a sales use. It would have been more akin to vehicle storage and thus materially different to the mix of uses presently alleged, against which the Council would have been unable to act at those times.

17. In any event, the numbers of vehicles on site during these fallow periods are unknown and may in themselves have been so small as to be incidental to the lawful residential use. Although the Appellant cited references in the press to his vehicle sales activities, no newspaper articles or advertisements that might help to substantiate his claim have been produced. Mr Cooke further maintained that, as a dealer who makes his living primarily from the motor trade, a sale on his part of one vehicle alone would have constituted a material change of use, whereas a single sale by a non-trader would not. However, this is simply wrong in law. The Appellant's profession plays no significant role in determining the threshold beyond which planning permission is required.
18. The presence on the site in past years of vehicles associated with public house, residential, horticultural and dog breeding activities does not assist his case. These are materially different uses to that targeted by the enforcement notice. I accept that the absence from the Inspector's decision on appeal ref no APP/W0530/A/07/2040597 of any reference to vehicle sales or repair activity is not necessarily indicative that no such activity was taking place on the current appeal site when he made his visit to Hill Trees on 3 January 2008. After all, he was concerned at that time with land to the east of the current site, and the Council officer who accompanied him was not called to give evidence at this Inquiry.
19. However, notwithstanding this, I find that, in all likelihood, vehicle sales and repair activity on the appeal site lacked sufficient scale and/or continuity at certain times during the earlier part of the relevant period to, in itself, constitute a breach of planning control. I therefore conclude on the balance of probabilities that the material change of use alleged in the enforcement notice occurred at some time towards the end of that period rather than prior to its commencement. Accordingly, the alleged use is not immune from enforcement action by reason of the passage of time.

Conclusion

20. For the reasons given above and having regard to all relevant matters raised, I consider that the appeal should not succeed. I will uphold the enforcement notice subject to corrections.

Formal decision

21. I direct that the enforcement notice be corrected by:
 - (i) the deletion of the sub-heading '**The change of use of residential accommodation to a mixed use of residential and motor vehicles sales and repair without the required planning permission**';
 - (ii) the deletion of the wording of section 3 in its entirety and the substitution of the words 'Without planning permission, the material change of use of the land from use as residential accommodation and for purposes incidental thereto to a mixed use comprising residential accommodation, purposes incidental thereto and the sale and repair of motor vehicles.'; and

APPEARANCES

FOR THE APPELLANT:

Fleet Cooke Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Iain Bain Of Counsel, instructed by Fiona McMillan, Legal and Democratic Services Manager, South Cambridgeshire District Council

He called

Kate Wood Team Leader, Development Control East, South Cambridgeshire District Council
BA(Hons) MRTPI

INTERESTED PERSON:

Charles Nightingale Ward Councillor, South Cambridgeshire District Council

DOCUMENT SUBMITTED AT THE INQUIRY

- 1 Court of Appeal judgment in the case of SSE & Terry Holding v Thurrock BC [2002] EWCA Civ 226, submitted by the Council

PLANS

- A Plan attached to the enforcement notice
- B.1 to B.5 Plans associated with appeal decisions APP/W0530/C/01/1057198, C/05/2001784 & A/07/2040597, supplied by the Council



Costs Decision

Inquiry held and site visit made on 12 October 2010

by **Alan Woolnough BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2010

Costs application in relation to Appeal Ref: APP/W0530/C/10/2124575 Land at Hill Trees, Babraham Road, Stapleford, Cambridge CB22 3AD

- The application is made under the Town and Country Planning Act 1990 as amended, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South Cambridgeshire District Council for a partial award of costs against Fleet Cooke.
 - The Inquiry was in connection with an appeal against an enforcement notice alleging without planning permission the material change of use of the land to a mixed use comprising residential accommodation, purposes incidental thereto and the sale and repair of motor vehicles.
-

Formal Decision

1. I allow the application for a partial award of costs in the terms set out below.

The Submissions for South Cambridgeshire District Council

2. The application is made with reference to paragraphs A11 and A12 of Part A and paragraph B4 of Part B of the Annex to Circular 03/2009: *Costs awards in appeals and other planning proceedings*. The Council seeks a partial award of costs in relation to the grounds of appeal set out in section 174(2)(a), (b), (c) and (f) of the 1990 Act as amended, on the basis of unnecessary expense resulting from the Appellant's unreasonable behaviour in initially pursuing those grounds.
3. Paragraph B4 sets out examples of unreasonable behaviour which may result in an award of costs. These include failure to produce statements or proofs of evidence or required information in support of an enforcement notice ground of appeal, resulting in work being undertaken that turns out to be fruitless, and the withdrawal of any ground of appeal resulting in wasted preparatory work. In this case, the Appellant either allowed to lapse or withdrew at the last moment several grounds of appeal. Consequently, approximately 90% of the work undertaken in preparing the Council's Rule 6 statement was wasted, particularly in relation to ground (a).
4. The Council only received the letter from the Appellant confirming that he would proceed on ground (d) alone on 11 October 2010, the day before the Inquiry, by which time the deadline for submitting proofs of evidence had long passed. The Council's sole witness, Ms Wood, was thus obliged to assume that appeals on grounds (b), (c) and (f) were still running when writing her proof and preparing for the Inquiry. Work undertaken in this respect, and costs so incurred, proved unnecessary. Expense associated with instructing Counsel in relation to grounds (a), (b), (c) and (f) was similarly wasted.

The Response by Fleet Cooke

5. The Appellant was unaware that the Council could apply for costs, no such applications having been made against him in the past as far as he could recall. The Planning Inspectorate advised the Appellant that he should pursue only the appeal on ground (d). If the Council had done its job properly, it too should have known that work on the other grounds of appeal would have been unnecessary. The Appellant cannot be held responsible for the Council's actions in circumstances where it undertook work needlessly. He is struggling to make a living and does not have the funds to pay costs.

Reasoning

6. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The absence of a statement of case or proof of evidence from Mr Cooke, although alluded to in the Council's application, has not in itself led to unnecessary expense. I will therefore focus on the abortive grounds of appeal in reaching my decision.
7. The Council's Rule 6 statement was due by 1 June 2010 and was submitted six days earlier, on 26 May. The fees associated with Mr Cooke's appeal, required in order to prevent his case on ground (a) from lapsing, were due by 18 May and the relevant cheque was received by the Inspectorate on 17 May. In most circumstances, this should have made it clear to the Council in good time whether or not ground (a) should have been addressed in its statement of case, such that unnecessary coverage of that ground would not have been the fault of the Appellant.
8. However, the Appellant's cheque was subsequently returned by the bank unpaid and marked 'return to drawer'. The Inspectorate did not learn of this until 1 June, by which time the Council had prepared its statement in good faith. The submission by Mr Cooke of a cheque which, ultimately, could not be honoured amounts to unreasonable behaviour. His action in this regard led directly to the Council devoting time and effort in preparing an abortive case on ground (a) at the Rule 6 stage and thus incurring unnecessary expense.
9. The Appellant's letter of 5 October 2010 indicating that the appeal would now proceed solely on ground (d) was prompted by a letter from the Inspectorate dated 23 September. This was sent to the Appellant at my request, it being apparent upon my first perusal of the case file that he had provided no evidence to support these grounds of appeal and it being too late by that stage to provide such evidence prior to the Inquiry itself. Nonetheless, the ultimate decision as to whether to withdraw was left in the hands of the Mr Cooke and there is no indication that, had he not done so, a valid case on any of those grounds could have been presented.
10. The Appellant's behaviour in pursuing appeals on grounds (b), (c) and (f) until only one week before the Inquiry in circumstances where he had no basis for such appeals was therefore unreasonable, irrespective of the means by which he was eventually prompted to withdraw, particularly as the questionable nature of these grounds was first raised with him by the Inspectorate as early as 29 March 2010. Until withdrawal took place, the Council could not assume with confidence that these grounds would be abandoned by the Appellant, who might have opted to produce evidence to support them for the first time at the Inquiry itself.

11. Consequently, in order to address such an eventuality, Ms Wood was obliged to cover these grounds in preparing her proof of evidence and the Council had to issue instructions to Counsel in relation to them. This will inevitably have resulted in unnecessary expense. I have noted Mr Cooke's plea that he does not have the funds with which to pay an award of costs. However, this is not a consideration that I am able to take into account in determining this application.
12. I conclude that unreasonable behaviour resulting in unnecessary expense has occurred in this case. I therefore find a partial award of costs to be justified and set out below the relevant Costs Order.

Costs Order

13. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Fleet Cooke shall pay to South Cambridgeshire District Council the costs of the appeal proceedings, limited to those costs incurred in preparing the Council's case in relation to the grounds of appeal against the enforcement notice set out in section 174(2)(a), (b), (c) and (f) of the Town and Country Planning Act 1990 as amended, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
14. The Council is now invited to submit to Fleet Cooke, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

Alan Woolnough

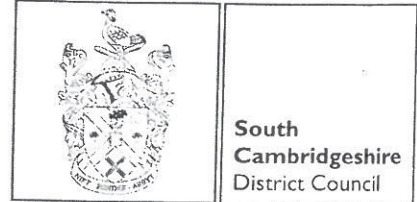
INSPECTOR

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Charlie Seach

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7 February 2012

To: Chairman – Councillor Mervyn Loynes
Vice-Chairman – Councillor Val Barrett
Members of the Planning Enforcement Sub-Committee – Councillors
Pippa Corney, Sebastian Kindersley, Charles Nightingale, Deborah Roberts and
Hazel Smith

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING ENFORCEMENT SUB-COMMITTEE**, which will be held in **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 15 FEBRUARY 2012 at 2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PAGES

- | | | PAGES |
|----|--|--------|
| | Public Speaking | |
| | Those not members of the Planning Enforcement Sub-Committee wishing to address the meeting should first read the Public Speaking Protocol attached to the electronic version of this agenda. | |
| 1. | Apologies for Absence
To receive apologies from sub-committee members. | |
| 2. | Declarations of Interest | |
| 3. | Minutes of Previous Meeting
To authorise the Chairman to sign the minutes of the meeting held on 23 November 2011 as a correct record. | 1 - 4 |
| 4. | COTTENHAM: Residual breaches at Smithy Fen | 5 - 14 |

- | | | |
|----|--|---------|
| 5. | WILLINGHAM: Formation of unauthorised Gypsy / Traveller site at The Oaks, Meadow Road | 15 - 32 |
| 6. | STAPLEFORD: Breach of Enforcement Notices on land adjacent to Hill Trees, Babraham Road | 33 - 38 |

EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Enforcement Sub-Committee 15 February 2012
AUTHOR/S: Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

BREACH OF ENFORCEMENT NOTICES

**Land adjacent to Hill Trees, Babraham Road,
Stapleford, Cambridgeshire CB22 4AD**

Purpose

1. This matter has been brought before the Planning Enforcement Sub Committee as officers have been unable to resolve an outstanding issue where the occupier of the land has failed to comply with two enforcement notices relating to the site

Recommendations

2. That the Planning Enforcement Sub Committee agree to:
 - (a) Authorise direct action to remove all unauthorised items in breach of Enforcement Notice E499.
 - (b) Authorise direct action to remove all unauthorised items in breach of Enforcement Notice PLAENF. 3837

Reasons for Recommendations

3. It is felt that this option is the most appropriate in the circumstance as it would not be in the Public interest to seek further actions through the Magistrates Court given the previous planning control complaints involving the occupier of this land that has resulted in substantial costs to the Council over a number of years. Any publicity in connection with this action, positive, or negative, would serve as a reminder to the Public that the Council will act accordingly where breaches of planning control are identified and cannot be resolved through the normal process.

The power to exercise all Enforcement functions comes under the Town and Country Planning Act 1990'. In this respect, the statutory power to take direct action is derived from section 178(1) T&CPA 1990 currently extant. The Planning and Compensation Act 1991, gives the power to execute works required by enforcement where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice. Section 7-(1) of the Act gives the Local Planning Authority the power to - a) enter the land and take steps; and b) recover from the person who is then the owner

Background

The site is located in open rolling countryside, on the slopes of the Gog Magog Hills, which form an important and distinctive element in the otherwise flat landscape setting around the City of Cambridge, and is 100m off the A1307 Babraham Road,

Stapleford. It is within the Cambridge Green Belt, where there is a presumption against inappropriate types of development

Following a complaint on the 28th October 2004, and subsequent investigation that a mobile home and other vehicles and materials had been moved on to land adjacent to Hill Trees, Babraham Road, Stapleford without planning permission, a Planning Enforcement Notice, SCDC Reference No: E499 was issued on the 23rd February 2005. The Enforcement Notice, No E499 was appealed in March 2005 - On The 2nd November 2005 the Planning Inspectorate dismissed the Appeal and the Enforcement Notice was upheld. The Inspector refused to grant planning permission on the deemed application.

Although the Planning Inspectorate upheld the Notice, the owner/occupier of the land failed to comply and the matter was referred to the Planning Enforcement Sub-Committee to authorise direct action. Having granted approval direct action to remove the unauthorised items was instigated on the 7th May 2008. Since that time further breaches have occurred as itemised in appendix 1 attached to this report.

Enforcement Notice No PLAENF. 3837 was issued on the 3rd February 2010 as a result of the owner/occupier repairing and selling motor vehicles from the property. The Notice was subsequently appealed however the Planning Inspectorate later dismissed the Appeal and the Notice upheld subject to corrections.

A high Court challenge by the occupier was also embarked upon but was not successful.

A list of the vehicles and other items identified in breach of the above Enforcement Notice are itemised in appendix 1 attached to this report.

Considerations

4. Members of the Planning Enforcement Sub Committee are asked to consider the enforcement recommendations identified in point 2 above.

Options

5. The planning enforcement sub-committee may determine to
 - (a) Take immediate direct enforcement action against the land owner/occupier in response of the failure to comply with the relevant enforcement notices
 - (b) Take no further action at this time but continue to monitor the current breaches

Implications

6. Regardless of the sensitive nature of this particular case there are wider implications the local planning authority must consider when determining the most appropriate resolution in that other landowners may reasonably expect similar treatment putting at risk the planning authorities ability to implement planning control through the Town & Country Planning regulations.

7. Financial	The financial implication relates to the cost of direct action and is estimated to be £8,800.00p, plus VAT plus storage charges of £10 per day for each item removed into storage. Maximum 28 days. Any domestic items stored will be charged at a rate of £50 plus VAT per week.
Legal	The legal implication is the potential for the owner/occupier to seek an Injunction to prevent the direct action or instigate a Judicial Review
Staffing	The staffing implication relates to the additional burden of administrative work in terms of monitoring and compliance by the enforcement team as well as the work undertaken by the legal team.
Risk Management	The risk management implication relates to the potential for the land owner/occupier to continue to breach planning control
Equality and Diversity	The equality and diversity implication relates to the potential preferential treatment of the applicant and the planning authorities approach to all other landowners who may wish to seek similar dispensation
Equality Impact Assessment completed	No
Climate Change	Not applicable

Consultations

8. Officers from the planning enforcement department have consulted with the Local Member and Legal department on several occasions regarding this particular issue. No other consultations have taken place.

Consultation with Children and Young People

9. No consultation with children or young people has taken place.

Effect on Strategic Aims

We are committed to being a listening council, providing first class services accessible to all by:

- listening to and engaging with our local community
- working with voluntary organisations, Parish Councils and Cambridgeshire County Council to improve services through partnership
- making South Cambridgeshire District Council more open and accessible
- achieving improved customer satisfaction with our services
- ensuring that the Council demonstrates value for money in the way it works

Conclusions / Summary

10. In summary therefore given the previous expenditure to the Council to date, and having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety the recommendation is that direct action be taken to remove the unauthorised vehicles and items from the land

Background Papers:

The following background papers were used in the preparation of this report:

Planning Enforcement Notices E499 and PLAENF. 3837

Contact Officer: Charles Robert Swain – Principal Planning Enforcement Officer
Telephone: (01954) 713206

Appendix – 1

Land covered by Enforcement Notice no E499

Items found to be in breach of the Notice:

Horsebox – Vehicle index no D263 UDP
Single axle trailer unit – mobile office
Portable generator
Oil tank
Dismantled Nissan hut
Iveco Flat bed lorry – Vehicle index number M727 MNB
Small diesel dump truck
Horsebox trailer
JCB rear assembly unit
2nd generator
Cont'd:

Lorry back containing household & miscellaneous items

Land covered by Enforcement Notice no PLAENF 3837

Items found to be in breach of the Notice:

Twin axle car transport trailer – Indexed F522 RVN
Silver Mitsubishi Hatch – Vehicle index L511 YAM
Red Ford Mondeo estate – Vehicle index RAZ 9709
Dodge flat bed lorry – Vehicle index C160 RRT
Green Ford Mondeo – Vehicle index P742 EOB
White Maestro van – Vehicle index number L772 AMA
White Citroen Estate – Vehicle index number P425 SKK
Red LDC Convoy van – Vehicle Index number V415 HCE
Two plastic storage containers used for fuel – Currently empty
Seven disused chest freezers
Ford Transit mini bus – Vehicle index number E114 HRE
Silver VW – Vehicle index number T230NBH
Blue Ford Fiesta – Vehicle index number R361 UWA
White Ford Fiesta – Vehicle index number M213 JNH
Green Vauxhall Astra – Vehicle index number X689 XAT
White Fiat Van – Vehicle index number Y84 TLD
Silver Peugeot – Vehicle index number X414 LGD

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PLANNING ENFORCEMENT SUB-COMMITTEE

WEDNESDAY, 15 FEBRUARY 2012

DECISIONS

Set out below is a summary of the decisions taken at the Planning Enforcement Sub-Committee held on Wednesday, 15 February 2012. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

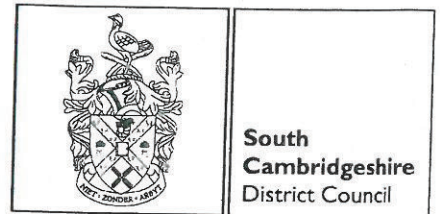
If you have any queries about any matters referred to in this decision sheet please contact Ian Senior.

1. **COTTENHAM: RESIDUAL BREACHES AT SMITHY FEN**
For Information Only: The Planning Enforcement Sub-Committee noted the position described in the agenda report and endorsed the steps taken both in response to the planning application being lodged and in order to brief residents.
2. **WILLINGHAM: FORMATION OF UNAUTHORISED GYPSY / TRAVELLER SITE AT THE OAKS, MEADOW ROAD**
The Planning Enforcement Sub-Committee resolved that committal proceedings be commenced in the High Court against the owners, occupiers, and any other individuals identified as being in contempt of court through commissioning, allowing or encouraging the unauthorised development of the land at The Oaks, Willingham, as described in the agenda report, in breach of the Injunction made on 20 December 2007 by Mr Justice Mackay.
3. **STAPLEFORD: BREACH OF ENFORCEMENT NOTICES ON LAND ADJACENT TO HILL TREES, BABRAHAM ROAD**
The Planning Enforcement Sub Committee
 - (a) Authorised direct action to remove all unauthorised items in breach of Enforcement Notice E499.
 - (b) Authorised direct action to remove all unauthorised items in breach of Enforcement Notice PLAENF. 3837

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk

Mr Fleet Cooke
136 Perne Road
Cambridge
CB1 3NX



Planning & New Communities

Contact: Charles Swain
Direct dial: 01954 713206
Direct Email:
charles.swain@scambs.gov.uk

Our ref: ENF/0137/13
Your Ref:

Date: 15-Apr-2013

"Planning Contravention Notice Enclosed"

Dear Mr Cooke,

**Unauthorised Development & Change of Use of land adjacent to Hill Trees
Babraham Road, Stapleford, Cambridgeshire, CB22 3AD**

I am writing to you with regard to the Councils recent visit to the above premises regarding the current stationing of a mobile home and engineering works as a result of the importation of brick rubble and the laying on the land to form a roadway/track both of which have resulted in development and a change of use of the land?

In order for the Council to determine what action, if any to take next in this matter it will be necessary for you to complete the enclosed Planning Contravention Notice and return it within the timescale prescribed. I should inform you that it is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within 21 days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of **£1,000**. Continuing failure to comply following a conviction will constitute a further offence and that it is also an offence knowingly or recklessly to give information, in respect to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of **£5,000**.

If you have any questions relating to this letter then please contact in the first instance Charles Swain on 01954 713206.

Yours sincerely,



Charles Swain
Enforcement Officer

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

South Cambridgeshire District Council

**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the PLANNING AND COMPENSATION ACT 1991)**

PLANNING CONTRAVENTION NOTICE

1. It appears to the South Cambridgeshire District Council ("the Council"), being the local planning authority for the purpose of section 171C of the Town and Country Planning Act 1990 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("the land").
2. The breach of planning control that may have occurred is specified in Schedule 2 below.
3. This notice is served on you as a person who -
 - (a) Is the owner or occupier of the land or has any other interest in it; or
 - (b) Is carrying out operations in, on, over or under the land or is using it for any purpose.
4. **In exercise of their powers under section 171C(2) and (3) of the Act the Council require you, so far as you are able, to give them the following information in writing within 21 days, beginning with the day on which this notice is served on you: -**
 - (1) What is the nature of your interest (if any) in the land e.g. freehold owner with/without mortgage, tenant etc. Please give your full name and address together with your interest.
 - (2) Please give the names and addresses of any other persons known by you to have an interest in the land e.g. owner, mortgagee tenant etc.
 - (3) Please confirm the date the mobile home was stationed on the land
 - (4) What purpose is the mobile home to be used for?
 - (5) Can you please confirm the purpose of the hard-core material stationed on the land, is it for a new road /track or hard standing, What type of materials are being used, dimensions of the area to be covered? And where did the material originate from?
 - (6) Is there anything else the council should be aware of in connection with this enquiry?

Dated: 15-Apr-2013

Signed  Council's authorised officer

SCHEDULE 1

Land to which this notice relates

**Land Adjacent
Hill Trees, Babraham Road
Stapleford, Cambridgeshire CB22 3AD**

SCHEDULE 2

Alleged breach of planning contravention

Unauthorised Development & Change of Use

WARNING

1. It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within 21 days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of **£1,000**. Continuing failure to comply following a conviction will constitute a further offence.
2. It is also an offence knowingly or recklessly to give information, in respect to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of **£5,000**.

ADDITIONAL INFORMATION

3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.
4. If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Reply Sheet

1)

2)

3)

4)

5)

6)

Dated:

Signed

Reply Sheet



- 1) A DRIVE WAY REPLACING OLD DRIVEWAY TO GET TO TOP AREA. WITHOUT
- 2) DRIVING OUT ON TO A1307. A VERY BUSY MAIN ROAD AVOIDING
- 3) SLOWING DOWN TRAFFIC. WHEN TURNING IN. TO TOP
- 4) DRIVE WAY. TO SUPPORT THE TRAFFIC FLOW.
- 5) MOBIL HOME HAS BEEN PUT BEHIND GATES ALMOST NOT
- 6) SEEN FROM MAIN ROAD IT IS USED FOR SECURITY AROUND HOUSE ETC.

PLANNING FOR STORAGE ON PLOT ONE PLANNING FOR STORAGE REPAIR'S SALES ON TOP PLOT

Dated:

Signed

Flint Shroofoe II

SCHEDULE ①

SCHEDULE ②

ADDITIONAL INFORMATION.

③

④

TOP PLOT SOLD TO ME F.C. NOT
YET REGISTERED

FIRST PLOT. ~~HOUSE~~ ^{FSC.} ~~HOUSE~~ ^{FSC.} UNDER

MORTGAGE. MY CONTROL HOUSE AND
PART SOLD TO ME. ~~PART~~ YET REG! IT

30-4-13

Flat 103/104

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Land Registry



Register View - HTML

Register view information

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 30 AUG 2013 AT 15:57:16. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.87 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE SUFFERS A LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY.

[New enquiry](#)[Printer-Friendly Version](#)

FOR SEARCH PURPOSES, THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, PETERBOROUGH OFFICE

Use current title number for:

TITLE NO: CB371633

[Title Plan View](#)

REGISTER LAST UPDATED ON : 19 JUL 2012 AT 15:00:55

[OC Title Known](#)[OS with Priority](#)[OS w/o Priority](#)[Home Rights](#)

Register View

Caution register kept under Section 19 of the Land Registration Act 2002

A: Caution Property Register

Containing a description of the legal estate to which the caution relates.

CAMBRIDGESHIRE : SOUTH CAMBRIDGESHIRE

- (19.07.2012) Caution against first registration of the freehold estate in land relating to the land shown edged with red on the caution plan of the above title filed at the Registry and being Hill Trees, Shelford Bottom, Cambridge (CB22 3AD).
- (19.07.2012) The statement of truth accompanying the caution states the cautioner claims the following interest in the estate:
I have an option to purchase Hill Trees House, Feb 7th 2006. I have two further options to purchase Hill Tree House 21 March 2009. Signed by Freda Cooke and dated by Freda Cooke. Also an (sic) sale agreement between Freda Cook and Fleet Stother Cooke dated 8-2-2011

--NOTE: Copy Agreements filed..

B: Cautioner's Register

Containing the name of the cautioner, address(es) for service and details of any person consenting to the lodging of the caution.

- (19.07.2012) CAUTIONER: FLEET STOTHER COOKE of 136 Perne Road, Cambridge CB1 3NX.

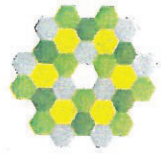
End of caution register

NOTE 1: The date at the beginning of entry 1 in the Caution Property Register is the date on which the caution was originally registered.

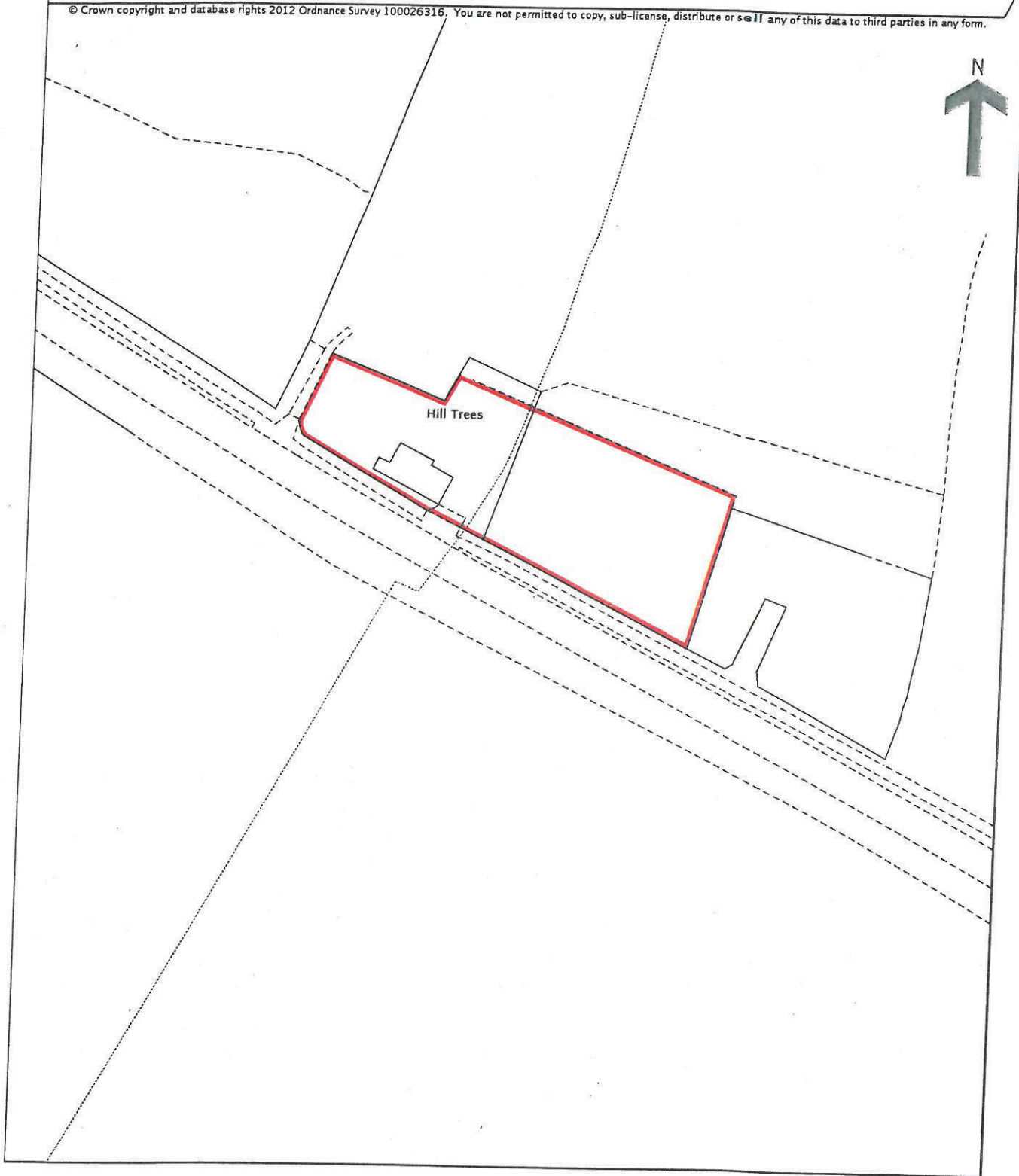
NOTE 2: Symbols included in register entries do not form part of the register and are used by Land Registry for internal purposes only.

Land Registry
Current caution
plan

Title number **CB371633**
Ordnance Survey map reference **TL4853NW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Cambridgeshire : South
Cambridgeshire**



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This is a print of the view of the caution plan obtained from Land Registry showing the state of the caution plan on 30 August 2013 at 15:58:44. This caution plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title plans and boundaries.

This caution is dealt with by Land Registry, Peterborough Office.

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 30 AUG 2013 AT 16:01:12. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE SUFFERS A LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, PETERBOROUGH OFFICE.

TITLE NUMBER: CB377336

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

CAMBRIDGESHIRE : SOUTH CAMBRIDGESHIRE

- 1 (12.03.2013) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land adjoining Hilltrees, Shelford Bottom, Cambridge (CB22 3AD).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title possessory

- 1 (12.03.2013) PROPRIETOR: FLEET STUTHER COOKE of 136 Perne Road, Cambridge CB1 3NX.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (12.03.2013) A Conveyance of the land in this title and other land dated 21 August 1953 made between (1) The Master and Fellows of Gonville and Caius College in the University of Cambridge and (2) E. Lacon & Co. Limited contains restrictive covenants but neither the original deed nor a certified copy or examined abstract thereof was produced on first registration.
- 2 (12.03.2013) A Conveyance of the land in this title and other land dated 17 September 1971 made between (1) E. Lacon & Co. Limited (Vendor) and (2) Freda Marjorie Christine Cook (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

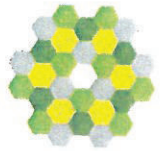
Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 17 September 1971 referred to in the Charges Register:-

"The Purchaser for herself and the persons deriving title through or under her hereby covenants with the Vendor and its associated Company Whitbread (London) Limited whose registered office is at Brewery Chiswell Street in the City of London and their respective successors in title for the benefit and protection of each and every of the properties of the Vendor and the said Whitbread (London) Limited known as The Railway Tavern Public House, Great Shelford The Rose Public

Land Registry
Current title plan

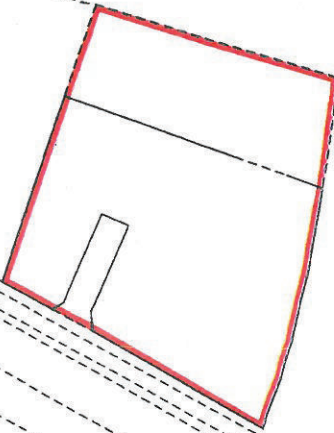
Title number **CB377336**
Ordnance Survey map reference **TL4853NW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Cambridgeshire : South
Cambridgeshire**



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Hill Trees



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 30 August 2013 at 16:02:07. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title plans and boundaries.

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