



REPORT TO: Planning Committee

9 August 2017

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 20 July 2017
Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently 82 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
4. Statistical data is contained in Appendices 1, and 2 to this report.

Updates to significant cases

- (a) **Stapleford:**
Breach of Enforcement Notice on Land adjacent to Hill Trees, Babraham Road. Following continuing breaches of planning at this location an Injunction was approved by the High Court 17th November 2015, The compliance period to remove unauthorised vehicles and to cease unauthorised development represented by the commercial storage, car sales and non-consented operational works that have occurred there was by January 26th 2016. An inspection of the land on the 26th January 2016 revealed that the unauthorised motor vehicles, trailers, caravans etc. had along with the unauthorised track been removed from the land as required by the Injunction. The displaced vehicles have now been moved onto land at Little Abington owned by the occupier of Hill Trees and onto land adjacent to Hill Trees that belongs to Gonville and Caius College, Cambridge. Both parcels of land are the subject of extant enforcement notices. Currently advice has been sought through Counsel on the most effect route in dealing with this displacement and on balance it is felt that a High Court injunction, particularly given the recent successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches. Case file currently in preparation.

File prepared and instruction given to apply for a High Court Injunction.

Preparation work including further detailed inspections of the lands in question, personal service etc. is currently being carried out along with a witness statement to facilitate the High Court Injunction application.

The family of the deceased owner of Hill Trees have informed the council that the various claims against the estate by the current occupier have been struck out including the Inheritance Claim. Although further appeals have been made it is their solicitor's view that the person responsible for the breach of control on the Land adjacent to Hill Trees has reached the end of the road and that they are shortly going to issue a notice for the unlawful occupation of Hill Trees to cease?

A further inspection of the land adjacent to Hill Trees carried out on the 13th July confirmed that the displaced vehicles are still occupying the site along with several additional vehicles. The meeting with Counsel which was originally booked for the 17th July will now take place on the 26th July 2017

(b) **Cottenham - Smithy Fen:**

Work continues on Setchel Drove, following the placement of a number of static caravans on four plots in breach of the current planning consent and High Court Injunction applicable to each plot. Formal letters have been issued to those reported owners and occupants on Setchel Drove, covering the breaches of planning control and breach of the High Court Injunction - Copies of the Injunction and Housing leaflets, covering those that may be threatened with homelessness or eviction has been issued – Given the complexity and number of departments within the organisation that may be involved in any future action the Councils Tasking & Coordination group are facilitating a joint approach with Planning, Environmental Health, Housing, Benefits & Council Tax, and Legal.

Following a full survey of the site, including Needs assessments preparation was made for the issue of twenty two (22) Breach of Condition Notices covering five plots in Water Lane, one plot in Orchard Drive, four plots in Pine Lane, three plots in Park Lane, and nine plots in Setchel Drove, who have been found to breach their planning permission.

(c) **Sawston – Football Club**

Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received and subsequently approved for conditions 3, 4 and Boundary Treatment – Conditions, 6,7,14,22,23,25,26,27,28,29,30,31,32 and 33 have now also been discharged. Following an application for a Judicial Review regarding the stadium, the Judicial review has taken place at the High Court of Justice, Queens Bench division, Planning Courts. The judgement was handed down and reported on the 15th January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant in this JR has now applied to the Court of Appeal for permission to appeal the decision of Mr Justice Jay. Counsel has been made aware.

Permission to appeal allowed – Appeal Listed for a 1 day hearing on the 19th January 2017. The Court of Appeal upheld the Appeal i.e. Planning permission quashed and it will now need to be returned to Planning Committee. Currently waiting for revised documents to be submitted by latest 30th July 2017 and

scheduled July 2017 Planning Committee at the earliest..

(d) **Abington – 45 North Road**

Following the unauthorised development at the above premises and subsequent issue of a planning enforcement notice, an appeal was made that was later dismissed by the planning inspectorate. The compliance period was increased to 9 months to demolish the unauthorised structure. During the compliance period a further planning application was submitted under planning reference S/1103/15/FL on the 27th April 2015 – The application was refused on the 19th November 2015 and again was appealed. The planning inspector dismissed the appeal on the 14th April 2016

A report was to be submitted to the July Planning Committee to approve direct action by the council in relation to demolition of the unauthorised extension however a further three applications were received from the land owner prior to committee and therefore this item has been withdrawn from the agenda in order to allow officers the opportunity to review the information.

Three LDC's (Lawful Development Certificate) under planning references S/1739/16, S/1655/16 and S/1615/16 that were submitted have since been refused. A further application under planning reference S/0443/17/LD has been determined and was also refused. Prosecution proceedings have now been instigated for the non-compliance with the original enforcement notice. The hearing which had been set for 10am on 20 April 2017 at Cambridge Magistrate's Court had not been listed by the Court due to a computer error. Two further planning applications submitted by the land owner were not validated. The case has now been reset for 10am on 27 April 2017,

The case was heard by Cambridge Magistrates Court where the owners pleaded guilty. The couple were fined £1500.00p each with £500.00p costs and £100.00p Victim surcharge The total amount was £4200.00p.

The unauthorised building has since been demolished and our file is now closed regarding this matter.

(e) **Fulbourn - St Martin's Cottage, 36 Apthorpe Street,**

Erection of a wooden building in rear paddock of No.36 Apthorpe Street, Fulbourn, intended for commercial use as a carpentry workshop.

The building is, in the absence of a planning permission in breach of planning control and has a detrimental impact upon the Green Belt and open countryside.

A retrospective planning application has not been submitted in order to try and regularise the breach of planning control identified therefore an application to issue an enforcement notice for the removal of the building was made. Enforcement Notice issued 9th September 2016 effective date 21 October 2016 Compliance period – Three months - Appeal received by the Planning Inspectorate. Appeal to be Written Reps.

(f) **Histon – Land at Moor Drove**

Unauthorised development within the Green Belt of agricultural land and occupation of a section of the land, including stationing of five (5) touring caravans. Immediate application of a High Court Injunction made to prevent further development and occupation of the land. Application successful.

Enforcement Notice to be issued requiring removal of the five (5) unauthorised touring caravans. Retrospective planning application received, awaiting validation. Planning reference S/2896/16 refers. Since application a planning agent has been engaged to provide outstanding information in order to allow original application to be validated. Application now validated
Enforcement notices (3) issued 10 January 2017 covering the section of land the subject of the unauthorised development. Planning Appeal Submitted and received by the Planning Inspectorate, Hearing has been set for October 2017. Confirmed 10th October 2017

(g) **Horseheath - Thistledown Cardinals Green**

Erection of a wooden lodge sited in the rear garden for the purpose of an annexe for independent living accommodation, without the benefit of a planning consent. Application submitted, subsequently refused. Planning reference S/1075/16/FL refers. Enforcement notice issued wooden lodge to be removed within three months (7 May 2017) unless an appeal is received in the meantime. Planning Appeal now submitted in relation to the planning decision. Appeal to be Written Reps.

Appeal dismissed 7 July 2017 Compliance period three months, i.e. by 7th October 2017.

(h) **Willingham – The Oaks Meadow Road**

The use of the chalet building as a dwelling house without the benefit of planning permission. A retrospective planning application had previously been submitted and was due to be heard at the 7th December 2016 Planning Committee but was withdrawn by the applicant. Enforcement Notice issued and subsequently Appealed. Appeal to be by Enquiry 19th & 20th September 2017 - Confirmed

Investigation summary

- 6 Enforcement Investigations for June 2017 reflect a 18.1% increase when compared to the same period in 2016. Sixty Five (65) cases in total for the period.

Effect on Strategic Aims

- 7.. South Cambridgeshire District Council delivers value for money by engaging

with residents, parishes and businesses. By providing an effective Enforcement service, the Council continues to provide its residents with an excellent quality of life.

Background Papers:

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

- **Appendices 1 and 2**

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