



REPORT TO: Planning Committee
LEAD OFFICER: Joint Director of Planning & Economic Development

4 April 2018

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 20 March 2018. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently 94 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

5. Updates are as follows:

(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 has now taken place on the 26th July 2017. Following advice from Counsel additional preparation work required prior to the application for a High Court Injunction. Witness statements currently with Counsel, waiting further advice.

In addition to the above it was previously reported that the person involved in the above action appealed the planning decision (LDC) reference S/3569/16/LD in connection to a parcel of land known as unit C which is situated at Hill Trees and is currently covered by the existing High Court Injunction. Although the appeal was to be heard on the 5th December 2017 the appeal has now been withdrawn by the applicant. A claim for costs is currently in the process of being made.

Application Notice has been issued in this matter and that the Hearing application for the Injunction Order to prevent breaches of planning control was heard at the Royal Courts of Justice, Strand, London on the 5th March 2018 Mr Justice Edis after hearing the application approved the Injunction and that the unauthorised activity ceases no later than 3rd April 2018. The Injunction also covers the land at Little Abington. The defendant is to pay the claimants costs of £7000.00p

The defendant has made an application to extend the compliance period by four weeks. This is to be heard on Friday 23rd March 2018.

(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.

A compliance inspection carried out after the 31 July 2017 confirmed that 54% of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons. Cambridge Magistrates Court are now currently processing the application for Summons and should be heard by March 2018.

(c) **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, Further appeal submitted for non-determination of the planning application. The Hearing was heard on the 13th March 2018 and the Council is now waiting on the Inspectors decision.

(d) **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 commenced 11th December 2017 to 14th December with a further date on the 15th January 2018. The Inspector is now currently considering his decision and will publish in due course.

(e) **Landbeach – Overbrook Farm Nursery**

Without planning permission the erection of a two storey Prefabricated dwelling. The development is the erection of a new dwelling in the countryside. It is contrary to Policy DP7 of the South Cambridgeshire Local Development Framework Control Policies DPD 2007 and Policy DP3 of the South Cambridgeshire Local Development Framework Control Policies DPD 2007. The Appeal against the enforcement notice has now been withdrawn and compliance with the enforcement notice is 30th April 2018

(f) **Whaddon – 9A Bridge Street**

Without planning permission the erection of a six metre high pole for CCTV equipment. Enforcement Notice SCD-ENF-094/17/A was issued with a compliance date of 25th November 2017 to remove the pole and CCTV equipment. The notice has not been complied with and a file was submitted to the Councils Legal office to issue a Summons. The date of the summons was set for 10am 15th March 2018 however the accused did not attend and the Court issued a Warrant for his arrest. Case continues.

(g) **Wimpole – Land on the Westside 89 Cambridge Road**

Land cleared of trees and hard-core deposited on the land. Temporary stop notice issued on the advice of Legal Officer until enquiries had been completed. Planning application reference S/546/18 has been submitted however the application is yet to be validated. Monitoring continues

h) **Girton – 86 Cambridge Road**

Retrospective planning application S/2662/17/FL for the erection and installation of front entrance timber gates refused. Planning enforcement notice issued reference SCD-ENF 0466/17. During the course of the installation a significant TPO tree was severely damaged. Owner interviewed under caution - Prosecution file raised. Current listing for Cambridge Magistrates Court 22nd February 2018 cancelled due to owner being in Australia. Legal dealing. Planning Appeal submitted reference APP/W0530/D/17/3191399

Investigation summary

- 6 Enforcement Investigations for February 2018 reflect a 11.1% increase when compared to the same period in 2017. Fifty (50) cases in total for the current period versus forty five (45) cases in 2017

The number of cases investigated year to date December 2017 totals 602 which when compared to the same period in 2016 (565 cases) represents a 6.5% increase

A review of the 56 cases closed in February 2018 revealed that 24 cases were found not to be in breach of planning control, 9 complied, 8 were permitted development and 4 were not expedient to enforce. The remaining 11 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited and retrospective planning applications submitted..

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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