



**REPORT TO:** Planning Committee

16 August 2018

**LEAD OFFICER:** Joint Director of Planning & Economic Development

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## Enforcement Report

### Purpose

1. To inform Members about planning enforcement cases, as at 25 July 2018  
Summaries of recent enforcement notices are also reported, for information.

### Executive Summary

2. There are currently 101 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 17<sup>th</sup> 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 26<sup>th</sup> 2016. An inspection of the land on the 26<sup>th</sup> 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 13<sup>th</sup> 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 17<sup>th</sup> July has now taken place on the 26<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> March 2018 Mr Justice Edis after hearing the application approved the Injunction and that the unauthorised activity ceases no later than 3<sup>rd</sup> April 2018. The Injunction also covers the land at Little Abington. The defendant is to pay the claimants costs of £7000.00p

The defendant made an application to extend the compliance period by four weeks. This was heard by Mr Justice Bryan on the 23<sup>rd</sup> March who granted both an extension of compliance until 2<sup>nd</sup> May 2018 and awarded the Council its costs in this hearing.

A further application was made by the defendant to further extend the compliance period which was heard by Mrs Justice McGowan on the 20 April 2018. The application to extend due to the recent weather conditions was approved and again costs were awarded to the Council. The compliance period is now set at the 30<sup>th</sup> May 2018. The costs totalling £9,990.00p awarded to the Council are to be paid by 30<sup>th</sup> May 2018

The defendant has now made an application to the High Court for a stay of the

Injunction and has also appealed the High Court decision.

The application was heard by the Rt. Hon. Lord Justice Flaux on the 21<sup>st</sup> May 2018 who having considered the application and the reasons for the Injunction said that the proposed appeal had no prospect of success and was wholly without merit and therefore refused the application.

The defendant complied with the removal of unauthorised vehicles and machinery by the 30<sup>th</sup> May deadline. It should be noted that eight vehicles were moved onto neighbouring land in order to comply with the Injunction. The owners of the two parcels of land are currently making arrangements to recover their land. It was also noted that the costs totalling £9,990.00p awarded by the court have so far not been paid by the defendant. The Councils Solicitors in this matter are currently pursuing payment. The owners of the land adjacent to Hill trees have at todays date removed all of the items on their land and are in the process of securing their boundary to prevent further unauthorised access.

(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. All cases have now been heard and where breaches were identified Cambridge Magistrates levied fines totalling £72,566.57p – A further inspection and survey of the site is to be carried out on the 26<sup>th</sup> June 2018 and additional steps taken where breaches of planning control are identified.

(c) **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 25<sup>th</sup> 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 15<sup>th</sup> March 2018 however the accused did not attend and the Court issued a Warrant for his arrest. Case continues.

(d) **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 22<sup>nd</sup> February 2018 cancelled due to owner being in Australia. Legal dealing. Planning Appeal submitted reference APP/W0530/D/17/3191399  
The planning Inspectorate having considered the application dismissed the appeal. Formal application to remove the gates to be made. The unauthorised gates have now been removed. The prosecution in regard to the damage to the TPO tree has been rescheduled for October 2018

(e) **Gothic House 220 High Street Cottenham**

The property which is a grade 2 Listed building is unoccupied and in a serious state of disrepair which not only affects the fabric of the building but is also considered an immediate danger to the Public. A s215 Amenity Notice was issued in order to address the immediate concerns with a compliance date of 19 May 2018. Which due to circumstances was extended to 19<sup>th</sup> June 2018  
An inspection carried out on the 21 June 2018 revealed that no works had commenced and the situation remains outstanding. A prosecution file has been raised and a date to attend Cambridge Magistrates Court has been set as the 9<sup>th</sup> August 2018.

(f) **73 High Street West Wrattling**

Following reports that the amenity of the above property including the main building which was a Public House known as the Lamb Inn and had been closed for many years a s215 Notice was issued to address the unacceptable amenity issue. The compliance period given was to complete the works by no later than 19<sup>th</sup> June 2018 however the building caught fire during the early hours of Friday 8 June 2018 before works had commenced and the building was destroyed leaving only the outer walls standing. The site has been fenced off to prevent access to unauthorised persons. A review of next steps will be undertaken as soon as possible

(g) **Car Wash – 11 Ermine Way, Arrington**

A multi-agency review is currently underway following reports that the operators of the above valeting operation are discharging carwash effluent and septic tank effluent which is affecting neighbouring properties.  
Initial investigation has been carried out by the County Council who have discovered a pipe that appeared to connect a septic chamber to the highway drain. They have also identified works to the highway drain that will need to be carried out. Officers from the Environment agency are also investigating along with planning enforcement and Environmental health teams. Investigations continue at this time.

### **Investigation summary**

- 6 Enforcement Investigations for June 2018 reflect a 15.4% decrease when compared to the same period in 2017. Fifty five (55) cases in total for the June period versus sixty five (65) cases in 2017

The number of cases investigated year to date June 2018 totals 317 which when compared to the same period in 2017 ( 279 cases) represents a 13.6% increase.

A review of the 75 cases closed in June 2018 revealed that 26 cases were found not to be in breach of planning control, 17 complied, 2 were permitted development and 2 were not expedient to enforce. The remaining 28 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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