



**REPORT TO:** Planning Committee

13 March 2019

**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 22 February 2019. Summaries of recent enforcement notices are also reported, for information.

### Executive Summary

2. There are currently at the end of January 2019, 86 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) **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 has now been carried out on the 26<sup>th</sup> June 2018 which revealed that 12 plots are currently in breach of planning control. Further prosecutions will now be considered /carried out in addition to two further breaches of Condition Notices issued and one prosecution in the High Court for breaching the current site Injunction. A further application to the High Court for an Injunction is to be made at the earliest opportunity. Barrister identified, detailed chronology compiled next steps agreed - Work in progress

(b) **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 - No further information at this time – Legal office have liaised with the Court and have been informed that the Arrest Warrant is live and waiting to be executed by Police. Referred back to legal as Police have no current knowledge of the Warrant – No further details are available at this time.

(c) **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 remained outstanding. A prosecution file was raised and a date to attend Cambridge Magistrates Court was set for the 9<sup>th</sup> August 2018. The owners of the property appeared before the Court and admitted the charge and were fined £907.00p with costs totalling £150.00p and Victim surcharge of £90.00p The grand total being £1147.00p. Work has now commenced to comply with the s215 Notice – Monitoring continues

(d) **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. The owners have submitted an application to demolish the building due to its condition and safety to the Public. Separate planning application to be submitted to develop the whole site Situation continues to be monitored. Further s215 Notice to be considered

(e) **147 St. Neots Road, Hardwick**

A fire which took place several years ago and severely damaged the building on the site and although heavily screened by high hedging has remained unrepaired and a general eyesore to the neighbouring properties and the general Public passing the site. The owner of the land who has stated that he will demolish the building however the Neighbouring business unit has not given its authority for the National Grid to disconnect the live main gas supply which it shares with number 147 St Neots Road. Given the time that has elapsed and opportunity for the parties concerned to resolve the Gas termination to no 147 the Council is reviewing its powers under s79 in order that arrangements can be made with the relevant statutory undertakers for the disconnection of the gas supply, electricity and water as applicable, and the building demolished. The gas governor was due to be disconnected by the end of September 2018 however the company carrying out the work was again refused access and turned away. Local Parish informed of current impasse. Work continues to resolve access issues. Possible April 2019 date given to resolve. Situation to be monitored.

(f) **19 Bandon Road Girton**

Not built in accordance with approved drawings relating to visibility splays Breach of Condition Notice issued 22 February 2018 with 28 day compliance period. Despite compliance discussions with the builder works still not carried out. Prosecution file has been raised, waiting issue of summons, still with legal

(g) **31 High Street Rampton**

Unauthorised works to a listed building and pre-commencement conditions not discharged prior to commencement of works on site.

Prosecution file has been raised, summons issued. The Court date listing originally set for the 24 January 2019 has been moved to the 14<sup>th</sup> February 2019 at Cambridge Magistrates Court. The owners/developers pleaded guilty to six charges and were fined £1000.00p, £100.00p Victims Surcharge and Costs totalling £830.00p Grand total £1930.00p

(h) **Land Adjacent Broadway, Haverhill Road, Castle Camps**

Not built in accordance with approved plans – materials not approved Breach of Condition notice issued 8 June 2018. Three month compliance period.

Site inspection carried out after the compliance date revealed that the notice had not been complied with. A prosecution file has now been raised for the failure to comply with Breach of Condition Notice. Summons issued. The Court date listing is the 14<sup>th</sup> February 2019 at Cambridge Magistrates Court. Planning application received to address identified issues, prosecution suspended, now withdrawn due to different ownership now pending planning decision.

(i) **Land at Black Pit Drove Willingham**

Following the occupation of land at Black Pit Drove without the appropriate planning consent the occupiers and owners of the land were issued with a planning enforcement notice reference SCD-ENF-0443/18. The notice which was not appealed required them to cease using any part of the land for the siting of residential caravans, motor vehicles and residential paraphernalia and sheds. The notice required the removal of the caravans, motor vehicles and residential paraphernalia and sheds by November 12<sup>th</sup> 2018

The occupiers and owners failed to comply with the notice and have been placed on notice that the matter will be referred to the High Court and an Injunction sought. The notice deadline was the 30<sup>th</sup> November 2018.

The occupants of the site still remained in defiance of the enforcement notice after the 30<sup>th</sup> November therefore an application to the High Court was made and is to be heard by Mr Justice Jay on the 17<sup>th</sup> December 2018.

The defendants failed to turn up or have legal representation on the day as a result the High Court approved an interim Injunction preventing further caravans on site but wanted to give the occupiers and owners the opportunity to defend the action against them. A further hearing was set for 4<sup>th</sup> February 2019 at the Royal Court of Justice, London. The outcome of the February hearing was that Mr John Cavanagh Q.C. (sitting as a Deputy High Court Judge) approved the Injunction Order application which required the defendants to vacate the land by 4pm 19<sup>th</sup> February 2019. The defendants at the time of this report have failed to vacate the land as required and that the council is now working towards taking action along with partner Agencies to remedy the unauthorised occupation of the land at Black Pit Drove

(j) **14 Church End Rampton – Grade2 Listed Building**

The above property is a thatched cottage that has fallen into disrepair in particular the thatch and woodwork. The owners have failed to engage with the Council and as a result an Amenity Notice s215 was served on the owners 11<sup>th</sup> October 2018 to carry out urgent repairs to the building. The compliance date was 6 months in order to allow specialist contractors to carry out the work. The owners have decided to challenge the Council which is their right and their appeal will be heard at Cambridge Magistrates Court on the 10<sup>th</sup> January 2019. The owner attended the Court but was unrepresented or in a position to make his appeal therefore in the circumstances the Court adjourned the case until the 8<sup>th</sup> May 2019. Due to the owners age it was agreed that we would assist the Court and the owner by preparing the evidence bundles.

(k) **Land Adjacent to 1 Beech Farm Cottages, Button End, Harston**

Without planning permission i) material change of use of the land to residential use ii) Construction of a building for residential use a planning enforcement notice was issued on the 18<sup>th</sup> October 2017 under reference ENF/0182/16. An appeal under section 174 of the Town & Country Planning Act 1990 as amended by the planning and Compensation Act 1991 was made.

An Inspector was appointed by the Secretary of State and following a site inspection and written representation the inspector dismissed the appeal.

The owners are now required to cease using the land for residential purposes, demolish the building and remove all resultant material from the land. They are also required to remove all materials used in construction of the driveway / parking area from the land and cease using the land for parking of motor vehicles and remove all motor vehicles from the land. Remove all residential paraphernalia

The compliance period is 18<sup>th</sup> March 2019. Situation to be monitored

### **Investigation summary**

- 6 Enforcement Investigations for January 2019 reflect a 25.8% reduction in the number of cases investigated when compared to the same period in 2018. Forty six (46) cases in total for the January period versus Sixty two (62) cases in 2018

A review of the forty four (44) cases closed in January 2019 revealed that 14 cases were found not to be in breach of planning control or were permitted development, 15 cases complied and 2 cases were found to be out of time to take enforcement action. The remaining 13 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited, awaiting further instruction and retrospective planning applications submitted..

### **Background Papers:**

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

- **Appendices 1 and 2**

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