



REPORT TO: Planning Committee

12 June 2019

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases as at 24 May 2019
Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently at the end of April 2019, 67 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 26th 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 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 - 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. Councils Legal and Planning department to review next steps including Injunctive action to remove unauthorised Pole and CCTV camera.

(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 19th 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 9th 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 Wrating**
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 19th 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 Information received that the Landowner has sadly passed away and the estate is currently being dealt with by the executors of the estate. The family have submitted a "Pre-Application" for planning advice regarding this property. Situation to be monitored.
- (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 was given to resolve however work still not commenced. Case review to be carried out regarding next steps. The owners of the land are still waiting for a date from Cadent/Triio for the gas works on site and are actively chasing them for a date to carry out the work.
- (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 Legal case officer now allocated waiting for further information as to timings
- (g) **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 11th 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 10th 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 8th May 2019. Due to the owners age it was agreed that we would assist the Court and the owner by preparing the evidence bundles.

The appeal was heard on the 8th May 2019 and was based on the notice being unlawful and if it wasn't then the compliance period of 6 months was insufficient to arrange for the works to be carried out? Having listened to the evidence from both sides the Court upheld the notice as lawful but decided to allow the appellant more time to arrange for the works to be undertaken. The compliance period is now 18 months from the date of the appeal hearing.

(h) **Burwash Manor Farm**

Without planning permission, the erection of children's play equipment within land designated as Green Belt. A retrospective planning application, reference S/3494/18/FL had been refused. The size, scale and height of the development is contrary to paragraph 144 of the National Planning Policy Framework (NPPF) 2019. The enforcement notice issued requires the owners to cease the use of the play equipment specifically the adventure tower and remove the play equipment from the land. The compliance period is one (1) month from the date it takes effect on the 21 May 2019

Investigation summary

- 6 Enforcement Investigations for April 2019 reflect an 11.9% reduction in the number of cases investigated when compared to the same period in 2018. Fifty-two (52) cases in total for the April period versus fifty-nine (59) cases in 2018

The year to date comparison 2019 versus 2018 revealed a 15.0% reduction or 33 cases less for the same period.

A review of the forty-one (41) cases closed in April 2019 revealed that 15 cases were found not to be in breach of planning control or were permitted development, 9 cases complied, and 3 cases were not expedient to enforce. The remaining 14 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.

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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