

REPORT TO: Planning Committee

10 February 2021

LEAD OFFICER: Joint Director of Planning and Economic Development

Enforcement Report

Executive Summary

1. On 29 January 2021 there were 217 open cases.
2. 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.
3. Statistical data is contained in Appendices 1 and 2 to this report.

Updates to significant cases

Updates are as follows:

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. Legal case officer now allocated waiting for further information as to timing. Magistrates Courts are currently only dealing with emergency cases. Advised that courts are starting to list cases with firm dates. No court date set.

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 – A Planning Appeal has been submitted to the Inspectorate on the 20th May 2019 – Appeal allowed; Enforcement Notice quashed. Replacement notice to be drafted and served. Enforcement Notice served on 9th July 2020. Compliance visit to be carried out after 7th October. Late Appeal rejected by PIN's. Stephen Kelly in talks with owner to re-site playground on suitable land. Site visited by Enforcement and Environmental Health Officers 16th December. No agreement reached consideration to be given to prosecution for failing to comply with the enforcement notice.

Partial compliance with notice following joint site visit with Environmental Health.
Consideration still being given to prosecution. Owner is considering whether to submit a new application to include acoustic fencing.

Cottage Nursery, Cardinals Green, Horseheath

Without planning permission (Advert Consent) displaying advertising signs measuring 6ft x 4ft for Cardinal Barns Kitchen and Blooms @ the Barn. On the junction of Howards Lane and the A1307 and a further smaller sign at the entrance to the nursery advertising Caravan Site which is approximately 1 metre square. Although the owner of Cottage Nursery was informed of the breach and asked to remove them by the 14 March 2019. The owner of the site failed to remove the signs and when interviewed under caution stated that "Do what you want I am not going to remove them" As a result of a criminal offence being committed by displaying unauthorised signs a prosecution file has been raised. Awaiting issue of summons. Magistrates Courts are currently only dealing with emergency cases. Advised that courts are starting to list cases with firm dates. No court date set.

14A, Colts Croft, Great and Little Chishill, Royston, SG8 8SF

Not constructed as approved plans in that section of the existing garage has not been demolished and rebuilt to a reduced size to allow for parking spaces and parking spaces have not been paved as specified. Breach of Condition Notice issued 05 November 2019. Owners have failed to comply with the requirements of the notice. 10 February 2020 prosecution file submitted to legal. 20 February 2020, Legal Officer allocated, awaiting issue of summons. Hearing set for 02 April 2020, postponed, Magistrates Courts are currently only dealing with emergency cases. Provisional court date 01 September 2020. Confirmation from Legal that case will not proceed on 01 September. Advised that courts are starting to list cases with firm dates. Advised by legal that defendants have written to the court entering a guilty plea. Court date fixed for 19th October at Cambridge Magistrates. CMC 19th October, owners found guilty in their absence, fined each £100, costs each £250, VSC each £32. Total £764.00.
Work has now started to comply with the Breach of Condition Notice.

Elmwood House 13A High Street, Croxton, PE19 6SX

Extension and garage granted permission by S/2126/18/FL, not constructed as approved plans and approved materials not used. Retrospective application S/0865/19/FL to retain as constructed refused. Enforcement Notice requiring garage and extension to be demolished served, 18 December 2019. Enforcement Notice appealed. Appeal process commenced. 29 April 2020.

Appeals resulted,

Appeal A, allowed on ground (f), the appellant now has three options, (i) Demolish completely, (ii) Demolish to brick plinth level and rebuild as S/2126/18/FL or (iii) Remove exterior render finish and replace with brick tiles to match existing and construct roof as approval S/2126/18/FL.

Appeal B, planning permission should be allowed for development as built, dismissed.

Compliance date 30th December 2020.

Site visit carried out on 18/01/21, notice has not been complied with. Next steps to be decided.

Background Papers

Planning Enforcement Register.

Statistical Analysis of Uniform Planning Enforcement Software Program.

Appendices

Appendix 1: Enforcement Cases Received and Closed.

Appendix 2: Notices Served.

Report Author:

Alistair Funge – Acting Principal Enforcement Officer

Date: 29/01/21