

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

12 January 2011

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager
(Planning and New Communities)

CURRENT ENFORCEMENT ACTION CASES

1. Purpose

To update Members about current enforcement action cases as at 20 December 2010.

Ref No	Village	Location	See Page No for full update	Remarks
18/98	Cottenham	Setchell Drove	1 – 4	Plots 7, 7A and Four Winds being monitored.
34/98	Milton	Camside Farm Chesterton Fen Road	4 – 10	Defendants appeared before Cambridge Magistrates Court on 15 th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 th August 2008. Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed.

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10/03	Cottenham	Plot 12 Victoria View, Smithy Fen	10 – 13	<p>Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18th June 2007. Further assessment of the current occupants medical needs to be carried out in order that the Planning Sub-Committee can be informed of the current position at plot 12 Victoria View.</p> <p>Further planning application submitted reference no S/1178/09/F - Refused at Planning Committee 3rd March 2010. Report to be submitted to Planning Sub Committee.</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches. A further report to be submitted to the Sub-Committee upon determination of the Section 78 Appeal presently running in respect of plot 12 Victoria View, with recommendations dependant upon the outcome of that Appeal</p>
19/03	Histon	Land adjacent to Moor Drove Cottenham Road	13 - 16	<p>Application for injunction refused by the High Court, 5th June 2008. Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. The planning officer has requested further information in order that the schemes relating to conditions can be discharged.</p>

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9/04	Swavesey	Land adjacent to Cow Fen Drove	16 - 19	<p>Defendant appeared at Cambridge Magistrates Court on 10th January 2008. Each fined £700 with £200 costs.</p> <p>Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6th January 2009</p> <p>S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court.</p> <p>S/1834/07/F "Appeal A" allowed subject to conditions.</p> <p>Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use.</p> <p>Negotiations have failed to provide an acceptable solution. Legal Officer to pursue Injunctive action.</p> <p>Injunction Order granted 4th November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by the 2nd December 2009.</p> <p>Site inspection carried out on the 3rd December 2009 revealed that the Order had not been complied with. Legal Officer informed.</p> <p>Formal warning letter issued to the defendants to vacate the premises.</p> <p>Further inspections confirmed that although the touring caravan had been removed from the site the defendants were still residing at the premises contrary to the Injunction Order.</p> <p>Committal Order instigated</p> <p>Defendants found guilty of contempt and were ordered to be committed to prison for a period of three months, suspended provided that the residential use of the land ceased and residential paraphernalia removed by the 4th June 2010. In addition the defendants were ordered to pay costs totalling £9556</p> <p>Further inspection carried out confirmed compliance with the Order. Monitoring to continue.</p>

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13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	19 - 22	<p>Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.</p> <p>No change - Needs Audits to be carried out</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches.</p>
4/06	Cottenham	Plot 15 Water Lane Smithy Fen	23 - 25	<p>Appeal dismissed on 29th January 2007. File submitted for an application for an injunction. Report to be considered by Planning Sub Committee</p> <p>No change - Needs Audits to be carried out</p>
8/06	Melbourn	1 London Way Clunchpits	26 - 27	<p>Appeal allowed in part and dismissed in part.</p> <p>Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly.</p> <p>No Change – Matter to be referred back to Planning Officer</p> <p>Institute Occupational Management to undertake a further risk assessment on the right of way / asbestos issue</p>
7/07	Barton	The Drift Cambridge Road	27 - 29	<p>Appeal dismissed on the 1st April 2008. Compliance date 1st October 2008</p> <p>Partial compliance. Discussions continue.</p>

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12/07	Whittlesford	The Firs 117 Duxford Road	29 – 30	<p>Enforcement Notice issued for unauthorised wall. Appeal dismissed. Planning application S/0360/08/F approved 25th April 2008. Monitoring planning conditions. Further planning application S/1701/08/F submitted. Refused at Chairman's Delegation 10th December 2008 – Enforcement Notice effective in three months unless a planning application is submitted that significantly lowers the height of the wall/fence, brick pillars and gates. Discussions relating to the submission of a further application currently taking place. Further Appeal submitted - Appeal dismissed. Original approved planning permission S/0360/08/F expired. Fresh application submitted under planning reference S/0054/10/F. Waiting decision. Application successful, subject to completion within timescale of three months i.e. 16th June 2010. Partial compliance – Waiting for replacement gates currently on order</p> <p>Gates replaced – Enforcement Notice complied with. Remove from active list</p>
16/07	Willingham	38 Silver Street	30 - 31	<p>Enforcement Notice issued 28th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19th March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance. Owner interviewed regarding failure to instigate remedial works. Timetable agreed.</p> <p>Works commenced</p>

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5/08	Milton	27/28 Newfield's Fen Road Chesterton	31 - 32	Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6 th May 2009, four months compliance period. Further planning application received and registered. Application S/1170/09 approved 24 th November 2009, Conditions to be monitored. Further planning application submitted – Ref: S/0246/10/F. Pending Decision.
6/08	Milton	6 Sunningdale Fen Road Chesterton	33 - 34	Enforcement Notice appealed. Inquiry date 10 th February 2009 Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18 th August 2009. Planning application received and registered. Application S/1154/09 approved 5 th October 2009 – Conditions to be monitored. Original building not removed as per condition – File to be submitted to Legal
12/08	Histon	Plot 4 Moor Drove	34 - 35	Prosecution file submitted to Legal regarding failure to comply with a "Temporary Stop Notice" Enforcement Notice Issued. Retrospective planning application submitted. Approved at Committee 10 th June 2009 Conditions to be monitored

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13/08	Melbourn	49 High Street	35 - 36	<p>Enforcement Notice issued. Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court.</p> <p>Enforcement Notice still not complied with. Further prosecution file submitted Hearing date set for 9th July 2009. Male Defendant ejected from court, case adjourned until 23rd July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520</p> <p>Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17th December 2009</p> <p>Both defendants found guilty at Cambridge Magistrates Court and fined £2195 each including costs of £180 each and £15 each victim surcharge.</p> <p>Enforcement Notice still not complied with. File submitted to Legal to instigate formal action.</p> <p>Retrospective planning application submitted.</p>
01/09	Great Abington	82 High Street	36 - 37	<p>Listed Building Enforcement Notice no 3342 issued 6th January 2009 for unauthorised works on a Listed building. Compliance period 3 months.</p> <p>Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve.</p> <p>Listed Building Enforcement Notice complied with in part – Negotiations continue.</p> <p>Planning Appeal dismissed 26th May 2010.</p> <p>Negotiations continue – Owners currently living abroad.</p>

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06/09	Over	16a Norman Way Industrial Units	37 - 38	<p>Enforcement Notice issued for change of use of premises without consent. Appealed. Appeal allowed on ground (g) and enforcement notice varied by the deletion of three months and substitution of six months as the period for compliance. Subject to this variation the enforcement notice is upheld.</p> <p>Further planning application submitted, validated 27th January 2010. Planning reference S/0114/10/F.</p> <p>Planning application unsuccessful, formal notice to cease unauthorised use issued.</p> <p>Warrant obtained and executed, evidence obtained regarding the continued breach of the Enforcement Notice, reference no 3457 issued 7th April 2009. Owner and Operator summoned to appear at Cambridge Magistrates Court 16th September 2010.</p> <p>Court date deferred until 7th October 2010</p> <p>Further appeal made against the refusal of planning permission. 1st December 2010 appeal dismissed. 6th December 2010 operator appeared in court and was found guilty of breaching the planning enforcement notice and was fined £12500.00p with additional cost totalling £300.00p and £15.00p Victim Support charge. Upon advice from Counsel a formal warning has been issued to the operator with regard to future breaches of planning control within South Cambridgeshire. Monitoring to continue.</p>

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07/09	Sawston	163 High Street	38 - 39	<p>Listed Building Enforcement Notice issued for dismantling and removal works without authorisation Appealed – Hearing date 5th January 2010.</p> <p>Appeal withdrawn.</p> <p>Formal discussions with Conservation Team as to next steps.</p>
12/09	Histon	6 Cottenham Road	39 - 40	<p>Enforcement Notice issued in respect of breaches of control – Compliance period six months i.e. by 30th March 2010. Appealed – Hearing date 9th March 2010.</p> <p>Appeal 1 – Appeal dismissed and Enforcement Notice upheld. Appeal 2 – Appeal allowed only in part and planning permission granted subject to condition. I.e. The use of the extension permitted shall be confined to domestic purposes incidental to the enjoyment of the dwelling house only and no business or trade shall be carried on from the extension.</p> <p>Enforcement notice complied with – Remove from active list</p>
16/09	Milton	The Barn, Chesterton Fen Road,	40	<p>Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 6th February 2010. Appealed – Inquiry 13th & 14th April 2010 Inquiry date moved to 18th & 19th May 2010.</p> <p>Appeal dismissed – Compliance period 9 months i.e. February 2011.</p>
01/10	Histon	Land at Moor Drove	40 - 41	<p>Enforcement Notice issued – Compliance period to cease the unauthorised use two months i.e. by 15th April 2010 – Appeal submitted</p> <p>6th December 2010 appeal dismissed, compliance period 6th February 2011</p>

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02/10	Stapleford	Hill Trees Babraham Road	41	<p>Enforcement Notice issued - Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15th April 2010 Appeal submitted.</p> <p>Public Enquiry date 12th October 2010</p> <p>Appeal dismissed 4th November 2011 partial costs awarded. Application to appeal against the Inspectors decision has been made</p>
03/10	Milton	2 Grange Park Chesterton Fen Road	41 - 42	<p>Enforcement Notice issued - Compliance period to demolish and remove materials from the land three months i.e. by 15th June 2010. Enforcement Notice Appealed.</p> <p>Appeal allowed – Remove from active list.</p>
05/10	Great Wilbraham	9 Toft Lane	42	<p>Enforcement Notice issued - Compliance period to remove the mobile home six months i.e. by 15th September 2010 and one month for the two sheds and storage container i.e. by 15th April 2010. Part compliance – Steel storage container, and mobile home removed. Rear wooden structure dispute, waiting for further evidence.</p> <p>Referred back to planning officer</p>
13/10	Whaddon	North Road Farm Ermine Way	42 - 43	<p>Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22nd April 2010</p> <p>Appeal submitted 4th March 2010.</p> <p>Appeal dismissed – New planning application (S/0292/10/LB) refused, further appeal lodged.</p> <p>Enforcement Notice withdrawn – Planning and Conservation Officers currently in negotiation with Owner</p>

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17/10	Croxtton	The Car Wash facility St. Neots Road	43	<p>Enforcement Notice issued – Compliance period to cease using any part of the land for residential use, two months i.e. by 12th June 2010. Enforcement Notice Complied with – Site to be monitored for 3 months.</p> <p>Dawn inspection revealed that residential occupation had recommenced – Prosecution file raised</p> <p>Operator appeared at Court, however due to the recent change in ownership of the premises and that the new operators are no longer using the premises for residential occupation the case was withdrawn – Monitoring continues.</p>
19/10	Stow-Cum-Quy	Park Farmhouse Station Road	43	<p>Listed Building Enforcement Notice issued – Compliance period to remove the unauthorised gates three months i.e. by 8 August 2010.</p> <p>Notice Appealed.</p> <p>Listed Building Enforcement Notice withdrawn and reissued – See case 24/10</p>
21/10	Fowlmere	22 Pipers Close	44	<p>Enforcement Notice issued – Compliance period to cease the use of the land for the purpose of motor vehicle sales and associated motor vehicle valeting, three months i.e. 8th November 2010.</p> <p>Enforcement Notice complied with – Remove from active list</p>
23/10	Meldreth	Field Gate Nurseries 32 Station Road	44	<p>Enforcement Notice issued – Compliance period to dismantle or demolish the structure of the extension and remove all resulting materials, rubble and /or spoil from the site, one month i.e. 12th August 2010</p> <p>Application submitted</p>

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24/10	Stow-Cum-Quy	Park Farm Station Road	44 - 45	Enforcement notice issued – Compliance period to remove unauthorised gates, one month i.e. by 6 th September 2010 Appeal submitted 1 st December 2011 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC.
25/10	Thriplow	19 Whitehall Gardens	45	Enforcement Notice issued – Compliance period to restore the use of the land to that of a single dwelling and remove all development work which has been undertaken to enable the land to be used as four self-contained flats. Notice withdrawn – Negotiations with Owner continue Further planning application submitted and subsequently approved by Committee – Remove from active list
26/10	Whaddon	8 Church Street	45	Listed Building Enforcement Notice issued. Compliance period 3 months i.e. by 15 th March 2011
28/10	Odsey	Odsey Grange Baldock Road	45	Enforcement Notice issued – Compliance period to remove the unauthorised garage, three calendar months i.e. by 21 st April 2011

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

- Enforcement Action Progress Report as at 20th December 2010 (attached to the electronic version of the agenda on the Council's website)

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