



REPORT TO: Planning Committee
LEAD OFFICER: Planning and New Communities Director

6 July 2016

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 20th June 2016. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently 66 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.

5. **Updates to significant cases**

- (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 17th 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 26th 2016. An inspection of the land on the 26th 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.

- (b) **Smithy Fen:**
Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018. The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.
Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. The Judicial review which was set for 29th October 2015 has taken place at the High Court of Justice, Queens Bench division, Planning Courts before The Honourable Mr Justice Lewis. The judgement was handed down on the 22nd January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed.
The Claimant had lodged an application for permission to appeal but this was refused 25th January 2016. Notwithstanding the refusal of permission to appeal by the Planning Court at first instance, the claimant has now applied to the Court of Appeal for permission to appeal the Judicial Review outcome from January. No further information at this time
- (c) **Sawston – Football Club**
Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received and subsequently approved for conditions 3, 4 and Boundary Treatment – Conditions, 6,7, 14,22,23,25,26,27,28,29,30,31,32 and 33 have now also been discharged. Following an application for a Judicial Review regarding the stadium, the Judicial review has taken place at the High Court of Justice, Queens Bench division, Planning Courts. The judgement was handed down and reported on the 15th January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant in this JR has now applied to the Court of Appeal for permission to appeal the decision of Mr Justice Jay. Counsel have been made aware and await the decision of the Court.
- (d) **Caxton**
Land and property at Swansley Wood , St Neots Road, Caxton Unauthorised use of the area to the north of the land for the storage of containers contrary to the requirements of condition 1 of planning permission Reference No: S/2391/12/12/VC. Enforcement notice issued 31st March 2016. Appeal application submitted to the Planning Inspectorate but was found to be out of time. Compliance requested.
- (e) **Fulbourn – Barnsbury House, Coxs Drove**
Unauthorised material change of use from a dwelling house (C3) to commercial leisure accommodation (Sui generis) A Planning application was submitted and subsequently appealed for the property but does not affect the overall use of the site. Compliance requested.

(f)

Cottenham – The Maltings Millfield

Retrospective planning application S/0767/13 submitted following the issue of a planning enforcement notice PLAENF 1039 for the retention of commercial building for offices Class B1 (A) and storage Class B8 for units 13 to 22 registered 24/6/2013 – Application refused 11/7/2014. Appeal submitted and subsequently the planning appeal was dismissed 30th March 2015 and the enforcement notice upheld. The owners HC Moss Ltd sought permission to apply to the High Court of Justice, Queens Bench Division – Planning Court for a Judicial Review. Mr Justice Dove having considered the application ordered on the 13th April 2016 that permission be refused and awarded the Councils costs totalling £1670.00p

A report is to be submitted to the July Planning Committee to approve direct action by the council in relation to demolition of the unauthorised building. Timing to be delegated to officers

(g)

Abington – 45 North Road

Following the unauthorised development at the above premises and subsequent issue of a planning enforcement notice, an appeal was made that was later dismissed by the planning inspectorate. The compliance period was increased to 9 months to demolish the unauthorised structure. During the compliance period a further planning application was submitted under planning reference S/1103/15/FL on the 27th April 2015 – The application was refused on the 19th November 2015 and again was appealed. The planning inspector dismissed the appeal on the 14th April 2016

A report is to be submitted to the July Planning Committee to approve direct action by the council in relation to demolition of the unauthorised extension and link. Timing to be delegated to officers

Investigation summary

6. Enforcement Investigations for May 2016 reflect a 25.5% decrease when compared to the same period in 2015. The Year to date total for investigations shows an increase of 1% when compared to the same period in 2015

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:

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

Appendix 1
Appendix 2

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