



**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Head of Development Management

11 January 2017

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## Enforcement Report

### Purpose

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

### Executive Summary

2. There are currently 90 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. (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 17<sup>th</sup> 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 26<sup>th</sup> 2016. An inspection of the land on the 26<sup>th</sup> 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.

File prepared and instruction given to apply for a High Court Injunction.

Preparation work including further detailed inspections of the lands in question, personal service etc. is currently being carried out.

(b) **Cottenham - 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.

The Court of Appeal, Civil Division has considered the application by the applicant and the application for permission to appeal is refused. A case review has been carried out and next steps agreed

(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 has been made aware.

Permission to appeal allowed – Appeal Listed for a 1 day hearing floating over the 18<sup>th</sup> and 19<sup>th</sup> January 2017.

(d) **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 27<sup>th</sup> April 2015 – The application was refused on the 19<sup>th</sup> November 2015 and again was appealed. The planning inspector dismissed the appeal on the 14<sup>th</sup> April 2016

A report was to be submitted to the July Planning Committee to approve direct action by the council in relation to demolition of the unauthorised extension however a further three applications were received from the land owner prior to committee and therefore this item has been withdrawn from the agenda in order to allow officers the opportunity to review the information.

Two LDC's (Lawful Development Certificate) under planning references S/1739/16 and S/1655/16 that were submitted have since been refused The final application under planning reference S/1615/16 has not yet been determined.

- (e) **Fulbourn - St Martin's Cottage, 36 Apthorpe Street,**  
Erection of a wooden building in rear paddock of No.36 Apthorpe Street, Fulbourn, intended for commercial use as a carpentry workshop. The building is, in the absence of a planning permission in breach of planning control and has a detrimental impact upon the Green Belt and open countryside.

A retrospective planning application has not been submitted in order to try and regularise the breach of planning control identified therefore an application to issue an enforcement notice for the removal of the building was made. Enforcement Notice issued 9<sup>th</sup> September 2016 effective date 21 October 2016 Compliance period – Three months - Appeal received by the Planning Inspectorate, awaiting further information.

- (f) **Papworth Everard – Land at the Old Estates Office Ermine Street South**  
Erection of a Two (2) metre high close boarded fence around the property including a section adjacent to the highway. An enforcement notice reference SCD-ENF- 009873 was issued 18<sup>th</sup> April 2016. The owner of the property has failed to comply with the notice therefore a prosecution file has been raised. Court date was set for Thursday 15<sup>th</sup> December 2016, at Cambridge Magistrates Court where two defendants appeared and entered a plea of guilty. Each defendant was fined £200 and ordered to pay £350 towards investigation and legal costs plus victim surcharge of £30. Totalling £580 each

- (g) **Histon – Land at Moor Drove**  
Unauthorised development within the Green Belt of agricultural land and occupation of a section of the land, including stationing of five (5) touring caravans. Immediate application of a High Court Injunction made to prevent further development and occupation of the land. Application successful. Enforcement Notice to be issued requiring removal of the five (5) unauthorised touring caravans. Retrospective planning application received, awaiting validation. Planning reference S/2896/16 refers. Since application a planning agent has been engaged to provide outstanding information in order to allow original application to be validated.

- (h) **Horseheath - Thistledown Cardinals Green**  
Erection of a wooden lodge sited in the rear garden for the purpose of an annexe for independent living accommodation, without the benefit of a planning consent. Application submitted, subsequently refused. Planning reference S/1075/16/FL refers. Enforcement notice issued wooden lodge to be removed within three months (7 May 2017) unless an appeal is received in the

meantime.

### **Investigation summary**

- 6 Enforcement Investigations for November 2016 reflect a 51.4% increase when compared to the same period in 2015. The Year to date total for investigations shows an increase of 6.3% 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:**

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

- **Appendices 1 and 2**

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