



REPORT TO: Planning Committee

6 June 2018

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 15 May 2018
Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently 104 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) **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.

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 along with a witness statement to facilitate the High Court Injunction application.

The family of the deceased owner of Hill Trees have informed the council that the various claims against the estate by the current occupier have been struck out including the Inheritance Claim. Although further appeals have been made it is their solicitor's view that the person responsible for the breach of control on the Land adjacent to Hill Trees has reached the end of the road and that they are shortly going to issue a notice for the unlawful occupation of Hill Trees to cease?

A further inspection of the land adjacent to Hill Trees carried out on the 13th July confirmed that the displaced vehicles are still occupying the site along with several additional vehicles. The meeting with Counsel which was originally booked for the 17th July has now taken place on the 26th July 2017. Following advice from Counsel additional preparation work required prior to the application for a High Court Injunction. Witness statements currently with Counsel, waiting further advice.

In addition to the above it was previously reported that the person involved in the above action appealed the planning decision (LDC) reference S/3569/16/LD in connection to a parcel of land known as unit C which is situated at Hill Trees and is currently covered by the existing High Court Injunction. Although the appeal was to be heard on the 5th December 2017 the appeal has now been withdrawn by the applicant. A claim for costs is currently in the process of being made.

Application Notice has been issued in this matter and that the Hearing application for the Injunction Order to prevent breaches of planning control was heard at the Royal Courts of Justice, Strand, London on the 5th March 2018 Mr Justice Edis after hearing the application approved the Injunction and that the unauthorised activity ceases no later than 3rd April 2018. The Injunction also covers the land at Little Abington. The defendant is to pay the claimants costs of £7000.00p

The defendant made an application to extend the compliance period by four weeks. This was heard by Mr Justice Bryan on the 23rd March who granted both an extension of compliance until 2nd May 2018 and awarded the Council its costs in this hearing.

A further application was made by the defendant to further extend the compliance period which was heard by Mrs Justice McGowan on the 20 April 2018. The application to extend due to the recent weather conditions was approved and again costs were awarded to the Council. The compliance period is now set at the 30th May 2018. The costs totalling £9,990.00p awarded to the Council are to be paid by 30th May 2018

The defendant has now made an application to the High Court for a stay of the Injunction and has also appealed the High Court decision.

(b) **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 Council's 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 is to be carried out and additional steps taken where breaches of planning control are identified.

(c) **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. Application now validated. Enforcement notices (3) issued 10 January 2017 covering the section of land the subject of the unauthorised development. Planning Appeal Submitted and received by the Planning Inspectorate, Further appeal submitted for non-determination of the planning application. The Hearing was heard on the 13th March 2018 On the 9th April 2018 the Inspector upheld the appeal and granted planning permission subject to conditions.

(d) **Willingham – The Oaks Meadow Road**

The use of the chalet building as a dwelling house without the benefit of planning permission. A retrospective planning application had previously been submitted and was due to be heard at the 7th December 2016 Planning Committee but was withdrawn by the applicant. Enforcement Notice issued and subsequently Appealed. Appeal commenced 11th December 2017 to 14th December with a further date on the 15th January 2018. On the 9th April 2018 the decision was published and the appeal was allowed

(e) **Landbeach – Overbrook Farm Nursery**

Without planning permission the erection of a two storey Prefabricated dwelling. The development is the erection of a new dwelling in the countryside. It is contrary to Policy DP7 of the South Cambridgeshire Local Development Framework Control Policies DPD 2007 and Policy DP3 of the South Cambridgeshire Local Development Framework Control Policies DPD 2007. The Appeal against the enforcement notice has now been withdrawn and compliance with the enforcement notice is 30th April 2018
The two storey building has now been removed and the Notice complied with

(f) **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.

(g) **Wimpole – Land on the Westside 89 Cambridge Road**

Land cleared of trees and hard-core deposited on the land. Temporary stop notice issued on the advice of Legal Officer until enquiries had been completed. Planning application reference S/546/18 has been submitted however the application is still to be validated. Monitoring continues.

h) **Girton – 86 Cambridge Road**

Retrospective planning application S/2662/17/FL for the erection and installation of front entrance timber gates refused. Planning enforcement notice issued reference SCD-ENF 0466/17. During the course of the installation a significant TPO tree was severely damaged. Owner interviewed under caution - Prosecution file raised. Current listing for Cambridge Magistrates Court 22nd February 2018 cancelled due to owner being in Australia. Legal dealing. Planning Appeal submitted reference APP/W0530/D/17/3191399
The planning Inspectorate having considered the application dismissed the appeal. Formal application to remove the gates to be made.

Investigation summary

- 6 Enforcement Investigations for March 2018 reflect a 16.6% increase when compared to the same period in 2017. Forty nine (49) cases in total for the March period versus forty two(42) cases in 2017
Enforcement Investigations for April 2018 reflect a 63.9% increase when compared to the same period in 2017. Forty nine (49) cases in total for the April period versus thirty six (36) cases in 2017

The number of cases investigated year to date December 2017 totals 602 which when compared to the same period in 2016 (565 cases) represents a 6.5% increase.

The number of cases investigated year to date April 2018 totals 220 which when compared to the same period in 2017 (158 cases) represents a 39.2% increase

A review of the 42 cases closed in March 2018 revealed that 12 cases were found not to be in breach of planning control, 10 complied, 2 were permitted development and 1 was not expedient to enforce. The remaining 17 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited and retrospective planning applications submitted..

A review of the 56 cases closed in April 2018 revealed that 24 cases were found not to be in breach of planning control, 11 complied, 4 were permitted development and 1 was not expedient to enforce. The remaining 16 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited 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**

Report Author: Charles Swain **Principal Planning Enforcement Officer**
Telephone: (01954) 713206