

Smithy Fen Update

Following reports of breaches of planning conditions taking place on a number of plots a large-scale investigation was initiated, which resulted in the discovery that conditions restricting the number of caravans on plots and the occupancy of the caravans to Gypsies were being breached.

The investigation resulted in the service of 23 Breach of Condition Notices in July 2017, in respect of breaches on the below plots.

Plots 3,5,6,7,7A,8,9,10, & 11 Setchel Drove, Smithy Fen

Plots 1,2,3,4,5 Pine Lane, Smithy Fen

Plots 1A,2,3 Park Lane, Smithy Fen

Plot 16 Orchard Drive, Smithy Fen

Plots, 3,7,8,9 & 21 Water Lane, Smithy Fen

The notices were accompanied by a covering letter explaining the circumstances, a copy of the planning consent for the plot, a letter from the Council Housing Advice Team in various European languages.

Compliance visits by private enforcement officers were carried out on the 1st August 2017 which showed that several the plots had failed to comply with the Breach of Condition Notices.

Prosecution files were submitted, and summons issued.

The first prosecutions took place on 18/01/18, in the Magistrates Court, and were targeted at the owners of the plots, none of the defendants attended, and were found guilty in their absence. The court results are as below.

Defendant	No of Charges per Property	Fine per Charge	Total Fines	Victim Surcharge (VS)	Total Fines and VS	Collection Order made?
XXXXXX XXXXX	2 x Plot 5 Setchel Drove;	£1750	£5250	£170	£5420	Yes

	1 x Plot 2 Park Lane					
XXXXXXXXXX XXXX	1 x Plot 6 Setchel Drove; 2 x Plot 11 Setchel Drove	£1750	£5250	£170	£5420	Yes
XXXXXXXXXX XXXXXXXXXX	2 x Plot 5 Setchel Drove	£1750	£3500	£170	£3670	Yes
XXX XXXXXXXXXX	2 x Plot 11 Setchel Drove	£1750	£3500	£170	£3670	Yes
XXXX XXXXXXXXXX	2 x Plot 5 Setchel Drove; 1 x Plot 2 Park Lane	£1750	£5250	£170	£5420	Yes
XXXXX XXXXX	2 x Plot 5 Setchel Drove	£1750	£3500	£170	£3670	Yes
XXXXXXXXXX XXXXXX	1 x Plot 6 Setchel Drove	£1750	£1750	£170	£1920	Yes
XXXXX XXXXXXXXXX	2 x Plot 11 Setchel Drove; 1 x 16 Orchard Drive	£1750	£5250	£170	£5420	Yes

Further prosecutions followed on 08/02/18, again targeted at the owners. None of the defendants attended and the matters were proven in their absence. The court results are as below.

NAME	PLOT No. Setchel Drove	OFFENCE	FINE	COSTS	VSC
XXXXXXXXXX	7	Breach Condition 1 – Utility room as residential	£1750	£367.21	£170
XXXXXXXXXX	7	Breach Condition 1 – Utility room as residential	£1750	£367.21	£170
XXXXXXXXXX	7A	Breach Condition 1 – More than 1 Mobile home Breach Condition 6 – Only occupied by Travellers	£1750 £1750	£367.21 £367.21	£170 £170
XXXXXXXXXX	7A	Breach Condition 1 – More than 1 Mobile home Breach Condition 6 – Only occupied by Travellers	£1750 £1750	£367.21 £367.21	£170 £170
XXXXXXXXXX	7A	Breach Condition 1 – More than 1 Mobile home	£1750 £1750	£367.21 £367.21	£170 £170

		Breach Condition 6 – Only occupied by Travellers			
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On 15/02/18, occupants of the caravans who had failed to comply with the requirements of the Breach of Condition Notices were prosecuted.

PLOT	NAME	OUTCOME	FINE	COSTS	VSC
5c	XXXX	CONVICTION	£300	£367.21	£30
5c	XXXXXXXXXX	CONVICTION	£300	£367.21	£30
5j	XXXXXX	CONVICTION	£300	£367.21	£30
5k	XXXXXXXXXX	CONVICTION	£300	£367.21	£30
5k	XXXXXXXXXX	CONVICTION	£300	£367.21	£30
5K	XXXXXXXXXX	WITHDRAWN			
5L	XXXXXXXXXX	CONVICTION	£300	£367.21	£30
	XXXXXXXXXX	WITHDRAWN			

On 22/3/18 Owners of plots on Park Lane and Water Lane, were found guilty at Magistrates Court and sentenced as below.

Defendant	Charges	Fine	Costs	VS
XXXXXXXXXX XXXXXXXXXX	X1 (Condition 1)	£1750	£367.21	£120
XXXXXXXXXX XXXXXXXXXX	X1 (Condition 3)	£1750	£367.21	£120
XXXXXX XXXXX	X1 (Condition 3)	£1750	£367.21	£120

On 05/04/18 at the Magistrates Court the below were found guilty and sentenced as below.

XXXXXXXXXX XXXXXX Fine: £300 VS: £30 Costs: £367.21
 XXXXXXXX XXXXXX (aka XXX) Fine: £300 VS: £30 Costs: £367.21
 XXXXXXXX XXXXXX Fine: £300 VS: £30 Costs: £367.21
 XXXXXXXX XXXXXX x 1 (LL) Fine: £1750 VS: £170 Costs: £367.21
 XXXX XXXXXX x 1 (LL) Fine: £1750 VS: £170 Costs: £367.21
 XXXXXXXX XXXXXX Fine: £300 VS: £30 Costs: £367.21
 XXXX XXXXXXXX Fine: £300 VS: £30 Costs: £367.21
 XXXXXXXX XXXXXX Fine: £300 VS: £30 Costs: £367.21

The prosecutions resulted in fines, VSC and costs totalling £65, 851.

On 04/11/19 site visits were made by 4 private enforcement officers to coincide with an aerial survey of the land, which identified some breaches were still taking place, but most of the previous breaches had ceased. The officers were forced to withdraw following threats of violence and an attempt to ram their vehicle.

In April 2020 there was considerable police activity on the site involving the recovery of 6 stolen caravans.

During the covid lockdown the Council received 2 reports informing of one static caravan having been delivered to the site and one touring caravan had been seen entering the site, no further details were provided.

Discussions were had with the Housing Department to explore options to rehome the non-Gypsy caravan occupants, into suitable accommodation.

An aerial survey of the site was carried out on 14/09/20 and work is ongoing to compare the photographs with those taken on 04/11/19 to identify plots which are breaching planning conditions.

Recent discussions have taken place with the Director of Planning to decide on a way forward and secure funding for future monitoring work and investigations.