

**REPORT TO:** Planning Committee

19<sup>th</sup> January 2022

**LEAD OFFICER:** Joint Director of Planning and Economic Development

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## Enforcement Report

### Executive Summary

1. On 27<sup>th</sup> December 2022 there were 234 open cases.
2. 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.
3. Statistical data is contained in Appendices 1 and 2 to this report.

### Updates to significant cases

Should Members wish for specific updates to be added to the Enforcement Report then please request these from the Principal Planning Enforcement Officer and they will be added to the next available Planning Committee.

On a further note, if members would like further information to be submitted as part of this report moving forward then please contact the Principal Planning Enforcement Officer.

Amendments are to be considered to be added to Appendix 1 - Enforcement Cases Received and Closed. The extra fields on the submitted document for October Planning Committee will include cases closed as not expedient and resolved. If Members would like others to be considered then please contact the Principal Planning Enforcement Officer.

Updates are as follows:

#### **Croudace Homes Ltd Site, Land off Horseheath Road, Linton.**

The developer has failed to discharge the surface water drainage condition prior to commencement of the development and the latest application to discharge the condition has been refused. A Temporary Stop Notice was served on the site on 24/02/21 and all work had stopped for 28 days.

Planners are in continual discussions with the developer to rectify the issues. The outcomes of the Enforcement visits have been forwarded to the relevant planners and senior management. The site has been monitored and regular visits will continue to be carried out.

Discussions between Planning Officers and the developers to be held on Friday 2<sup>nd</sup> July and verbal update to be provided to Planning Committee. A further meeting between Stephen

Kelly, Joint Director of Planning and Economic Development and local residents was held on 23<sup>rd</sup> August 2021.

Planning Enforcement have not been instructed to take any further action at this stage and this matter is ongoing.

### **Burwash Manor Farm**

Without planning permission, the erection of children's play equipment within land designated as Green Belt. A retrospective planning application, reference S/3494/18/FL had been refused. The size, scale and height of the development is contrary to paragraph 144 of the National Planning Policy Framework (NPPF) 2019. The enforcement notice issued requires the owners to cease the use of the play equipment specifically the adventure tower and remove the play equipment from the land. The compliance period is one (1) month from the date it takes effect on the 21 May 2019 – A Planning Appeal has been submitted to the Inspectorate on the 20th May 2019 – Appeal allowed; Enforcement Notice quashed. Replacement notice to be drafted and served. Enforcement Notice served on 9<sup>th</sup> July 2020. Compliance visit to be carried out after 7<sup>th</sup> October. Late Appeal rejected by PIN's. Stephen Kelly in talks with owner to re-site playground on suitable land. Site visited by Enforcement and Environmental Health Officers 16<sup>th</sup> December. No agreement reached consideration to be given to prosecution for failing to comply with the enforcement notice.

Partial compliance with notice following joint site visit with Environmental Health confirms that the Hobbit House has been removed but the associated wooden chairs remain along with the main playground structures. The playground has been closed over the past year but harm is still being caused by people sitting in the area where the hobbit house was.

Planning application reference 21/03587/FUL has been submitted for the retention of two pieces of play equipment and the introduction of an acoustic fence along the southern boundary. Further action will be placed on hold pending outcome of the application.

### **Elmwood House 13A High Street, Croxton, PE19 6SX**

Extension and garage granted permission by S/2126/18/FL, not constructed as approved plans and approved materials not used. Retrospective application S/0865/19/FL to retain as constructed refused. Enforcement Notice requiring garage and extension to be demolished served, 18 December 2019. Enforcement Notice appealed. Appeal process commenced. 29 April 2020.

Appeals resulted,

Appeal A, allowed on ground (f), the appellant now has three options, (i) Demolish completely, (ii) Demolish to brick plinth level and rebuild as S/2126/18/FL or (iii) Remove exterior render finish and replace with brick tiles to match existing and construct roof as approval S/2126/18/FL.

Appeal B, planning permission should be allowed for development as built, dismissed.

Compliance date 30<sup>th</sup> December 2020.

Site visit carried out on 18/01/21, 25/02/21 and 12/04/21 and the notice has not been complied with.

A further application under reference 20/01408/HFUL has been submitted and agreement with Area Manager that all Enforcement action will be held in abeyance pending the outcome of the application.

### **Smithy Fen, Cottenham, Cambridge, Cambridgeshire, CB24 8PT**

This is a site with an extensive history of formal Notices being served, injunctions and prosecutions being carried out. Due to the complex nature of the site an outside company Ivy Legal have been tasked with reviewing the site history and providing a detailed report on recommended actions that can be considered by the Local Planning Authority.

The report is in the final draft stage and members will be updated as soon as it is complete. Internal discussions between all departments are currently ongoing with how best to move this matter forward with recommendations from the Enforcement Group to be provided within two months to Leadership Group.

A briefing Note has been forwarded to Stephen Kelly with details of requirements from key stakeholders and other interested parties with regards to the possibility of serving Planning Contravention Notices on all occupants with the assistance of Ivy Legal. Consideration to be given to the resourcing for this due to high numbers on site, consideration and support for those that are unable to read and write as well as any other considerations.

### **Pathfinder Way, Northstowe, Cambridgeshire, CB24 1AA**

A Temporary Stop Notice was served on 21/09/21 to cease piling. Evidence from residents is being collated and forwarded to Legal to commence a prosecution. All works have stopped in respect of piling. Enforcement are continually being updated by Planning Officers and will take further action if directed to do so.

### **Land At Haden Way, Willingham, Cambridge, Cambridgeshire, CB24 5HB**

A Breach of Condition Notice was served on 23<sup>rd</sup> September 2021 with regards to piling on site. All works have ceased in relation to the piling. A meeting between members and residents took place on 7<sup>th</sup> October 2021 and a further meeting on 29<sup>th</sup> October 2021.

No requirement for further Enforcement action, though it will continued to be monitored.

### **Land To North And South Of Bartlow Road, Linton, Cambridgeshire**

Development has commenced on site without pre commencement conditions being discharged. Awaiting further information from Planning Officers as to the taking of further action. Site is further complicated by awaiting an appeal decision from the Planning Inspectorate and this decision is crucial on advising any possible further action.

The Planning Inspector has discharged the surface water drainage scheme by Notice on 8<sup>th</sup> November 2021.

There are three conditions outstanding on the reserved matters application but the triggers are all above foundation level so there are no breaches at present. Two are on hand and pending, one need to be submitted following a refusal by the Council and by PINS.

Environment Agency are dealing with a matter concerning a pump discharging site water into the local river. Awaiting update from them presently.

**Cottage Nursery, Cardinals Green, Horseheath, Cambridge, Cambridgeshire, CB21 4QX**

The reported alleged breaches of planning control are various from use of the property as a House in Multiple Occupation and also the erection of a building to the rear.

Various departments within the Local Authority have an interest in the address and a joint visit is in the process of being arranged. Further updates to be provided when the visit has taken place.

Site has a lot of previous history relating to the installation of two lakes, which was decided to be not expedient previously. The erection of the wooden structure presently meets guidelines under Schedule 2, Part 1, Class E and does not constitute a breach. The owner is refusing to give details of occupants to assess if there is a breach of the property being used as a large HMO. A PCN is being drafted to assess this legally. The final breach is the storage of rubbish and waste. Other departments are in a better position to progress this swiftly but if they do not resolve then they have been advised to contact us.

## **Background Papers**

Planning Enforcement Register.  
Statistical Analysis of Uniform Planning Enforcement Software Program.

## **Appendices**

Appendix 1: Enforcement Cases Received and Closed.  
Appendix 2: Notices Served.

## **Report Author:**

Will Holloway - Principal Enforcement Officer

Date: 27/12/21