

History of unauthorised development at Pine View, Smithy Fen

1. In early 2003 an access track and a bund (see areas marked I and J on the map in Appendix B) were constructed, with area H then being occupied by caravans.
2. On 19 March 2003, an enforcement notice was served and it prohibited use of area H as a residential caravan site and the ancillary provision of drains, accesses and hard-standings. The first defendant appealed against this notice.
3. On 19 March 2003, a second enforcement notice was served relating to areas I and J and it required the removal of the earth bund and the track. A stop notice was also served. The thirty-fourth defendant appealed against the second enforcement notice.
4. In April 2003 caravans arrived on area I and plots 9 and 10 of it were occupied. On 28 August 2003, a third enforcement notice was served, which related to area I and J and prohibited its use as a caravan site and ancillary provision of drains, accesses and hard standings. The second defendant appealed against this enforcement notice. A stop notice was also served.
5. On 18 November 2003, the planning inspector upheld the first and second enforcement notices. Applications were also made for planning permission to use areas H, I and J as caravan sites but the Council refused these applications and the applicants then appealed to the Secretary of State.
6. The deadline for compliance with the first and second enforcement notices was 18 February 2004 but this has still not happened.
7. Many of the defendants applied for planning permission to use the land as a caravan site. After an eight-day inquiry into these applications for planning permission, the Inspector on 10 January 2005 recommended, first that the applications for planning permission be refused and second, that the appeal against the third enforcement notice be dismissed.
8. On 11 March 2005, the First Secretary of State, who also refused to extend the time for complying with the third enforcement notice, upheld these recommendations on appeal. However, the deadline for the enforcement notice passed without compliance.
9. The Council resolved to seek an injunction, with the purpose of seeking compliance with the enforcement notices against the occupiers of the site. The hearing took place in the High Court in mid-February 2006. The Honourable Mr Justice Silber made the Order for the injunction on 7 June 2006.