

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

2<sup>nd</sup> April 2008

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **B/1/45/85 – STAPLEFORD Breach of Enforcement Notice**

**Land adjacent to Hill Trees, Babraham Road,  
Stapleford, Cambridgeshire CB22 4AD**

**The current breach of the Enforcement Notice has been reported to the Planning Committee for authority to proceed with “Direct Action” to ensure compliance with the Enforcement Notice.**

#### **Background**

1. The site is located in open rolling countryside, on the slopes of the Gog Magog Hills, which form an important and distinctive element in the otherwise flat landscape setting around the City of Cambridge, and is 100m off the A1307 Babraham Road, Stapleford. It is within the Cambridge Green Belt, where there is a presumption against inappropriate types of development.
2. Following a complaint on the 28<sup>th</sup> October 2004, and subsequent investigation that a mobile home and other vehicles and materials had been moved on to land adjacent to Hill Trees, Babraham Road, Stapleford without planning permission, a Planning Enforcement Notice, SCDC Reference No: E499 was issued on the 23<sup>rd</sup> February 2005.
3. The Enforcement Notice, No E499 was appealed in March 2005 - On The 2nd November 2005 the Planning Inspectorate dismissed the Appeal and the Enforcement Notice was upheld. The Inspector refused to grant planning permission on the deemed application.
4. As a result of the decision several motor vehicles, were subsequently removed from the land, however a Mobile home, a Nissen hut and several other items allegedly used for / in connection with the land still remained. A retrospective planning application for the Mobile Home and Nissen hut (S/1469/06/O) was registered on the 28<sup>th</sup> July 2006. Having considered the merits of the Planning application, it was decided to formally refuse the application. The decision, dated 15<sup>th</sup> September 2006, was again appealed - The Planning Inspectorate dismissed the appeal on the 29<sup>th</sup> January 2008 having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety.

#### **Considerations**

5. A site inspection on the 31<sup>st</sup> January 2008 and 5<sup>th</sup> March 2008 has confirmed that the mobile home/ caravan and a white Nissen motor vehicle still remain on the land and are in breach of the current Enforcement Notice.

6. A current check of the Land Registry Title information for the land adjacent to Hill Trees, Babraham Road, Stapleford, Cambridgeshire CB22 4AD has revealed that there are no recorded owners for the property known as Hill Trees or the land adjacent to it.

### **Financial Implications**

7. Cost of direct action is estimated to be £1550 plus VAT for the removal of the Mobile home/caravan and the motor vehicle with storage charges of £60 plus VAT per day. The property has to be retained for a minimum period of 7 days to allow the owner to claim his property.

### **Legal**

8. The power to exercise all enforcement functions comes under the Town and Country Planning Act 1990'. In this respect, the statutory power to take direct action is derived from section 178(1) T&CPA 1990 currently extant. The Planning and Compensation Act 1991, gives the power to execute works required by enforcement where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice. Section 7-(1) of the Act gives the Local Planning Authority the power to - a) enter the land and take steps; and b) recover from the person who is then the owner/occupier of the land any expenses reasonably incurred by them in doing so."

### **Options**

9. There are previous planning control complaints involving the occupier of this land that has resulted in substantial costs to the Council over a number of years. Therefore, on this occasion, it would not be in the public interest to seek further actions through the courts, but instead instigate "Direct Action" and remove the unauthorised mobile home/caravan and motor vehicle from the land, as this would be the most immediate and most cost effective route to resolve this breach of planning control. Any publicity in connection with this action, positive or negative, would serve as a reminder to the Public that the Council will act accordingly where breaches of planning control are identified and cannot be resolved through the normal process.

### **Recommendation**

10. In summary therefore given the previous expenditure to the Council to date, and having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety the recommendation is that direct action be taken to remove the unauthorised mobile home/ caravan and motor vehicle from the land.

### **Background Papers:**

11. The following background/ case file papers were used in the preparation of this report:
  - a) Enforcement Notice dated 23<sup>rd</sup> February 2005.
  - b) Appeal Decisions dated 2<sup>nd</sup> November 2005 and 29<sup>th</sup> January 2008.

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