

## PLANNING ENFORCEMENT OFFICERS REPORT

### UNAUTHORISED TRAVELLERS SITES

On 1<sup>st</sup> October 2003 the Development and Conservation Control Committee received the Enforcement Action Progress Report.

An extract of the report provides details of the action that has been taken to date on unauthorised travellers' sites.

#### Location of Sites

<p>34/98 B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of two mobile homes for residential use.</p>	<p>Planning Committee 2<sup>nd</sup> December 1998 - Item 20</p> <p>Members authorised</p> <p>(i) To seek an injunction . (ii) To issue an Enforcement Notice if the application for an injunction was refused. (iii) A Period of three months to comply with any Enforcement Notice issued. (iv) That in the event of failure to comply with the Notice and subject to there being no material change in circumstances proceedings be taken in the Magistrates Court.</p>	<p>The necessary information and documentation to seek an injunction is currently being processed.</p> <p>Letters of intended actions served upon contravenors, who subsequently submitted a planning application to retain the two mobile homes and also an application for a Lawful Development Certificate alleging lawful use of the two mobile homes as bedroom use only. Injunctive action held pending determination of the above applications.</p> <p>On advice from the Legal department an Enforcement Notice was issued under reference E342 8<sup>th</sup> June 1999 requiring (a) removal of the mobile homes from the site together with ancillary works, (b) cease to use the land as a general dealers</p>
----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>yard, (c) restore the land to its condition before the breaches of planning control took place, (d) use the land only for agriculture and paddock with stables as before. The Notice takes effect 15<sup>th</sup> July 1999 and has a compliance period of 6 months.</p> <p>The Enforcement Notice has been appealed. The site is also part of the general review of travellers accommodation in the Chesterton Fen Road area.</p> <p>The outcome of the appeal against the Enforcement Notice is awaited.</p> <p>The appeal was dismissed 10<sup>th</sup> January 2000 with the compliance period being varied to 9 months (10<sup>th</sup> October 2000).</p> <p><b>5.7.2000</b> Compliance period ends 10<sup>th</sup> October 2000.</p> <p><b>4.10.2000</b> Still within the period before compliance which ends 10<sup>th</sup> October 2000.</p> <p><b>3.1.2001</b> Arrangements were made to formally interview two of the appellants 8<sup>th</sup> December 2000 at these offices, and both attended together with their Counsel and</p>
--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>Solicitor. On the advice of their legal advisers both declined a formal interview, with their Counsel agreeing to write to our Head of Legal Services by the end of January 2001 listing those issues his clients wished to be considered in connection with any intended prosecution. Counsel indicated that the Human Rights Act 2000 would feature greatly in his submissions.</p> <p><b>2.5.2001</b> Summonses returnable to Cambridge Magistrates Court 16<sup>th</sup> May 2001 were served 18<sup>th</sup> April 2001.</p> <p><b>4.7.2001</b> A plea of not guilty was entered at Cambridge Magistrates Court 8<sup>th</sup> June 2001 and the case committed to Crown Court for trial, and will be listed in due course.</p> <p><b>3.10.2001</b> A pre-trial hearing scheduled for 23<sup>rd</sup> September 2001.</p> <p><b>2.1.2002</b> The case has been adjourned by Judge Howarth, generally, until the outcome of another case dealing with a human rights point which the defendant's Counsel asserts has a bearing on the Webb's liability. Likely to be several months.</p>
--	--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p><b>3.4.2002</b> The outcome of the case referred to at 2.01.2002 is still awaited.</p> <p><b>3.7.2002</b> The trial has now been fixed for November. It is expected that the first day will be to hear legal arguments, followed by a further five days.</p> <p><b>2.10.2002</b> Trial still pending.</p> <p><b>8.1.2003</b> On 8<sup>th</sup> November 2002 the defendants appeared before Norwich Crown Court. They pleaded guilty and were fined as follows:</p> <p>A Webb (Senior) fined £3,500, costs £1,500, 2 months imprisonment in default of payment of fines.</p> <p>A Webb fined £1,000, £1,500 costs.</p> <p>M Webb fined £1,000, £1,500 costs.</p> <p>A letter has been sent by the Legal Office to the defendants legal representative informing them that a further site visit will be made on 10<sup>th</sup> February 2003. If the Enforcement Notice has not been</p>
--	--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>complied with consideration will be given to further prosecutions.</p> <p><b>2.4.2003</b> A further summons has been issued for breach of the Enforcement Notice. Case listed at Cambridge Magistrates Court 30<sup>th</sup> April 2003.</p> <p><b>2.7.2003</b> Case adjourned to 18<sup>th</sup> June 2003. A verbal update will be given.</p> <p><b>1.10.2003</b> Case adjourned to November</p>
<p>14/99 B/1/4544 - 7/99 Mrs Patricia Hedges 'Carefield' Button End HARSTON</p>	<p>Without planning permission the material change of use of land from agriculture to the siting of caravans, including the delivering to the land of paving slabs, sand and the erection of a shed not requisite for agricultural purposes.</p>	<p>An Enforcement and Stop Notice were issued under delegated authority and the matter was a report to Planning Committee 4<sup>th</sup> August 1999 at Item 14, when Members authorised proceedings in the Magistrates Court against the owner/occupier in the event of failure to comply with the Notices and to apply for the issue of an Injunction if the former proved ineffective.</p>	<p>The Enforcement Notice was issued 23<sup>rd</sup> July 1999 and takes effect 6<sup>th</sup> September 1999 with a compliance period of 14 days. The Stop Notice was issued 26<sup>th</sup> July 1999 and took effect 27<sup>th</sup> July 1999. Both Notices were served on the 26<sup>th</sup> July 1999. The Stop Notice was not complied with, and following a formal interview with the occupier, a prosecution file was submitted to Legal Department. The Head of Legal Services is of the opinion that that with particular reference to Article 8 of the European Convention on Human Rights a prosecution, representing an interference by this</p>

		<p>Authority as a Public Authority with the exercise of that persons right to respect for private and family life, would be entirely in accordance with the law, he was not satisfied that such a course of action is necessary in the public interest set out in the Article until either the Enforcement Notice takes effect or an appeal is lodged and the appeal is determined on planning principles in favour of the Local Planning Authority.</p> <p>An appeal against the Enforcement Notice has been lodged, and is currently being determined.</p> <p>An informal hearing in respect of the Enforcement Notice was heard 8<sup>th</sup> December 1999, and the outcome is awaited.</p> <p>Appeal dismissed 10<sup>th</sup> January 2000. Compliance period varied to 4 months - 10<sup>th</sup> May 2000.</p> <p><b>4.10.2000</b> The formal interview was conducted 12<sup>th</sup> July 2000 and this was followed with a meeting involving the local Member on 24<sup>th</sup> July 2000 to consider the points raised. The appellant is scheduled to undergo major surgery at Addenbrookes Hospital and negotiations to establish the</p>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>time-scale with a view to extending the compliance period are being conducted by the Head of Legal Services.</p> <p><b>5.7.2000</b> Solicitors acting for applicant have requested an extension to the compliance period on medical grounds. A formal interview has been arranged for 4<sup>th</sup> July 2000 to be followed by a meeting with the Head of Legal Services and Local Member, before making any recommendation to Members.</p> <p><b>4.10.2000</b> The formal interview was conducted 12<sup>th</sup> July 2000 and this was followed by a meeting involving the local Member on 24<sup>th</sup> July 2000 to consider the points raised. The appellant is scheduled to undergo major surgery at Addenbrookes Hospital and negotiations to establish the timescale with a view to extending the compliance period are being conducted by the Head of Legal Services.</p> <p><b>3.1.2001</b> The Head of Legal Services will give Members an update.</p> <p><b>2.5.2001</b> This matter is ready to proceed to</p>
--	--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>prosecution as and when considered appropriate with special regard to the personal circumstances of the occupier.</p> <p><b>4.7.2001</b> Our Legal Department continues to negotiate with the occupiers legal advisers in an endeavour to negotiate a way forward.</p> <p><b>3.10.2001</b> Negotiations still being conducted by Legal Department.</p> <p><b>2.1.2002</b> No change – negotiations still being conducted by Legal Department.</p> <p><b>3.4.2002</b> Our Legal Department is still engaged in the exchange of correspondence with solicitors representing the owner, with the possibility that the matter will be put before the Court in the near future.</p> <p><b>3.7.2002</b> No change. The occupier is still waiting for her hip operation.</p> <p><b>2.10.2002</b> No change. Head of Legal Services to give an update.</p> <p><b>8.1.2003</b></p>
--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



			<p>It has now been confirmed that the operation has taken place. As a result of consultations with the Chairman and the Local Member it was agreed that a site visit would be made after 11<sup>th</sup> February 2003 and that if the Enforcement Notice had not been complied with legal proceedings will be commenced. A letter has been sent to the occupier confirming the action that will be taken.</p> <p><b>2.4.2003</b> On 8<sup>th</sup> January 2003 it was agreed not to proceed with the prosecution until the outcome of planning application S/0040/03/F was known. To be considered at Committee 2<sup>nd</sup> April 2003.</p> <p><b>2.7.2003</b> Planning permission for S/0040/03/F refused. A file is being prepared to commence legal proceedings.</p> <p><b>1.10.2003</b> Appeal against refusal of planning permission S/0040/03/F. Inquiry date 17<sup>th</sup> February 2004. Waiting for outcome of appeal before proceeding with prosecution.</p>
12/02 B/1/45/72 & S/1230/02/F The Stables	Unauthorised mobile home for residential use.	Development and Conservation Control Committee 7 <sup>th</sup> August 2002. – Item 7	<b>2.10.2002</b> File submitted to Legal Department for issue of Enforcement Notice.

<p>Chesterton Fen Road MILTON</p>		<p>Members authorised:</p> <ol style="list-style-type: none"> <li>1. The issue of an Enforcement Notice to cease using the land for the stationing of a mobile home and associated hardstanding.</li> <li>2. A compliance period of 6 months to comply with the Notice.</li> <li>3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to reconsideration of all material factors.</li> </ol>	<p><b>8.1.2003</b> Enforcement Notice issued 5<sup>th</sup> September 2002 to take effect on 20<sup>th</sup> October 2002. Enforcement Notice appealed Date fixed for 8<sup>th</sup> April 2003.</p> <p><b>2.4.2003</b> No change.</p> <p><b>2.7.2003</b> 7<sup>th</sup> May appeal dismissed. Compliance date 7<sup>th</sup> November 2003.</p> <p><b>1.10.2003</b> No change. Compliance date 7<sup>th</sup> November 2003.</p>
<p>17/02 S/1452/02/F Land at Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of mobile homes/caravans for residential use.</p>	<p>At Development and Conservation Control Committee 2<sup>nd</sup> October. Item 11.</p> <p>Members authorised:</p> <ol style="list-style-type: none"> <li>1) To issue an Enforcement Notice (should officers consider this necessary) to cease using the land for the stationing of mobile homes and associated hardstanding areas.</li> <li>2) Should an Enforcement Notice be issued a six</li> </ol>	<p><b>8.1.2003</b> Interviews with occupiers of land have commenced.</p> <p><b>2.4.2003</b> No change.</p> <p><b>2.7.2003</b> Planning application S/0903/03/F to S/0931/03/F submitted for siting of gypsy caravans. Applications currently being considered. Awaiting outcome before proceeding with investigation.</p>

		<p>month compliance period.</p> <p>3) Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to there being no material change in circumstances.</p>	<p><b>1.10.2003</b>          Planning applications S0903/03/F and S/0931/03/F refused.           Appeal lodged.</p>
<p>18/02 B/1/45/88          Rose and Crown          Road          SWAVESEY</p>	<p>Without planning permission using agricultural land for the siting of caravans/mobile homes for residential purposes and carrying out ancillary building works including laying of drains, septic tanks, mains electricity connections, accesses and hardstandings.</p>	<p>At Development and Conservation Control Committee 2<sup>nd</sup> October 2002 Section 4 Travellers in Swavesey Members were informed that under delegated powers Enforcement Notice E454 which takes effect on 30<sup>th</sup> October 2002 with a compliance period of one month and Stop Notices E454A and E454B had been issued.</p> <p>Members authorised proceedings in the Magistrates Court against the occupiers of the land.</p>	<p><b>8.1.2003</b>          The case was adjourned at Cambridge Magistrates Court on 4<sup>th</sup> December 2002 to 17<sup>th</sup> February 2003.</p> <p><b>2.4.2003</b>          Appeal against Enforcement Notices withdrawn.</p> <p>Appeal against refusal of planning permission for S/1966/02/F to S/1973/02/F continues. Appeal date fixed for 30<sup>th</sup> April 2003. The compliance period for the Enforcement Notices extended to 6 months and take effect on 20<sup>th</sup> July 2003.</p> <p>Proceedings in the Magistrates Court adjourned to 16<sup>th</sup> April.</p> <p><b>2.7.2003</b>          Appeal against planning permission dismissed on 19<sup>th</sup> May 2003. Proceeding</p>

			<p>in the Magistrates Court for breach of Stop Notice adjourned to 25<sup>th</sup> June 2003.</p> <p><b>1.10.2003</b>  Challenge to Inspector's decision being made to the High Court by the owners. Prosecution for breach of Stop Notices adjourned pending outcome.</p>
<p>21/02 Fen B/1/45/72 &amp; S/1837/02 Land at Chesterton Road, MILTON (known as 99 Ponyfield)</p>	<p>Unauthorised siting &amp; residential use of mobile home.</p>	<p>Development &amp; Conservation Committee 4<sup>th</sup> December 2002. Item 2.</p> <p>(1) Members authorised enforcement action.</p> <p>(2) A period of 6 months to comply with Notice.</p> <p>(3) That proceedings in the Magistrates Court be authorised in the event of failure to comply with such Notice and subject to reconsideration of all material factors.</p>	<p><b>8.1.2003</b>  Draft instructions for Enforcement Notice in respect of breach of planning control sent to the Legal Department.</p> <p><b>2.4.2003</b>  Enforcement Notice E456 7<sup>th</sup> February 2003. Takes effect on 31<sup>st</sup> March 2003 with a 6 month compliance period on 1<sup>st</sup> October 2003.</p> <p><b>2.7.2003</b>  Enforcement Notice appealed.</p> <p><b>1.10.2003</b>  22<sup>nd</sup> July 2003 appeal dismissed. Compliance date for Enforcement Notice 22<sup>nd</sup> January 2004.</p>
<p>6/03 S/2311/02/F Mobile Home The Oaks Meadow Road</p>	<p>Material change of use of land</p>	<p>Development and Conservation Control Committee 5<sup>th</sup> February 2003 – Item 32  Members authorised:</p>	<p><b>2.4.2003</b>  File submitted to Legal Office 14<sup>th</sup> February 2003 for issue of Enforcement Notice.</p>

WILLINGHAM		<p>1. The issue of an Enforcement Notice to cease the use and the removal of the converted portakabin, touring caravan and washroom.</p> <p>2. A period of 6 months to comply with the Enforcement Notice.</p> <p>3. That proceedings in the Magistrates Court in the event of failure to comply with such a Notice and subject to all material factors.</p>	<p><b>2.7.2003</b> Enforcement Notice E463 issued 25<sup>th</sup> March 2003 to take effect 7<sup>th</sup> May 2003. Compliance period 6 months. Enforcement Notice appealed.</p> <p>Hearing fixed for 23<sup>rd</sup> September 2003</p> <p><b>1.10.2003</b> No change</p>
7/03 B/1/45/20 Land between Setchell Drove and Water Lane Smithy Fen COTTENHAM (A Land)	Material change of use of land as a residential caravan site, ancillary provision of drains and construction of accesses and hardstandings	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.</p> <p>Stop Notice E460A issued 20<sup>th</sup> March to take effect on 25<sup>th</sup> March 2003. Enforcement Notice E460 issued 19<sup>th</sup> March to take effect 30<sup>th</sup> April 2003. Compliance period 3 months – 30<sup>th</sup> July 2003.</p>	<p><b>2.7.2003</b> Failed to comply with Stop Notice. Case listed at Cambridge Magistrates Court 25<sup>th</sup> June 2003. Enforcement Notice appealed. Hearing 14<sup>th</sup> October 2003.</p> <p><b>1.10.2003</b> Inquiry moved to 17<sup>th</sup> September 2003. Proceedings adjourned pending outcome of appeal.</p>
8/03 B/1/45/20 Land between Setchell Drove and Water Lane Smithy Fen COTTENHAM (B Land)	Material change of use of land – forming an earth bund, laying hardcore and hardstanding	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9. Stop Notice E461A issued 20<sup>th</sup> March 2003. Enforcement Notice E461 issued 19<sup>th</sup> March 2003 to take effect on 30<sup>th</sup> April 2003. Compliance period 3 months – 30<sup>th</sup> July 2003.</p>	<p><b>2.7.2003</b> Enforcement Notice appealed. Planning applications S/0456/03/F, S/0457/03/F, S/0871/03/F, S/0872/03/F and S/0873/03/F refused.</p> <p><b>1.10.2003</b> Enforcement appeal hearing on 14<sup>th</sup> October 2003. Stop Notice E461D and</p>

			<p>Enforcement Notice E461C issued 29<sup>th</sup> August 2003 prohibiting the use of the land for the stationing of caravans/mobile homes for residential purposes.</p> <p>Stop Notice took effect 5<sup>th</sup> September 2003. Enforcement Notice takes affect on 30<sup>th</sup> September 2003 with a 3 month compliance period.</p> <p>Site visit on 8<sup>th</sup> September 2003 confirmed that there were caravans on site in breach of the Stop Notice. Investigations commenced.</p>	
9/03	B/1/45/20 Land between Setchell Drove and Water Lane COTTENHAM (G Land)	Material change of use of land as a residential caravan site, ancillary provision of drains and construction of accesses and hardstandings	<p>Delegated authority to take enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.</p> <p>Enforcement Notice E459 issued 19<sup>th</sup> March to take effect 30<sup>th</sup> April 2003. Compliance period 3 months – 30<sup>th</sup> July 2003.</p>	<p><b>2.7.2003</b> Enforcement Notice appealed. Hearing on 14<sup>th</sup> October 2003. Planning application S/0377/02/F refused on 13<sup>th</sup> March 2003.</p> <p><b>1.10.2003</b> Refusal of planning permission and Enforcement Notice appealed. Hearing on 14<sup>th</sup> October 2003.</p>
10/03 R/O Drove	B/1/45/20 Land at Plot 2 and Plot 3 Setchell COTTENHAM	Material change of use of land as a residential caravans site ancillary provision of drains and construction of access and hardstandings	<p>Delegate authority to take enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.</p> <p>Stop Notice E353N issued 19<sup>th</sup> May 2003 took effect 25<sup>th</sup> May 2003. Enforcement Notice E353N issued 19<sup>th</sup> May 2003 takes effect 30<sup>th</sup></p>	<p><b>2.7.2003</b> Enforcement Notice appealed.</p> <p>Stop Notice not complied with. Prosecution file being prepared.</p> <p><b>1.10.2003</b></p>

		June 2003.	Planning application S/1020/03/F refused 26 <sup>th</sup> June 2003. Appeal against refusal of planning permission and Enforcement Notice. Hearing on 4 <sup>th</sup> November 2003.
15/03 B/1/45/20 Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	Material change of use of land as a residential caravan site.	Breach of Planning Enforcement Notices E353B, E353C and E353D issued 9 <sup>th</sup> June 1999.	<b>1.10.2003</b> File submitted to Legal Office for breach of Enforcement Notices.