

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Sub-Committee held on  
Tuesday, 19 May 2009 at 2.00pm

PRESENT: Councillor RJ Turner – Chairman  
Councillor CR Nightingale – Vice-Chairman

Councillors: Mrs PS Corney Mrs JM Guest  
Mrs SA Hatton SGM Kindersley  
Mrs HM Smith

Officers: Debra Barrett Traveller Site Team Leader  
Gary Duthie Senior Lawyer  
Gareth Jones Corporate Manager, Planning & Sustainable  
Communities  
Ian Senior Democratic Services Officer  
Charles Swain Principal Planning Enforcement & Monitoring  
Officer

Councillors Dr DR Bard, SM Edwards, RMA Manning, TJ Wotherspoon and NIC Wright were in attendance, by invitation.

### **36. DECLARATIONS OF INTEREST**

Councillor SGM Kindersley declared a personal interest in relation to the Minutes of the meeting held on 17 March 2009 and, in particular, to Minute 30 (Blackwell Travellers site). He had had complaints made against him on the basis of alleged discrimination against the settled community. He stated that he had always sought to treat the settled and travelling communities equally and fairly, and considered the complaints made against him to have been an abuse of process.

### **37. MINUTES OF PREVIOUS MEETING**

The Sub-Committee agreed that the Minutes of the meeting held on 17 March 2009 were a true and accurate record.

### **38. LAND AT VICTORIA VIEW, SMITHY FEN, COTTENHAM - TO CONSIDER DIRECT ACTION IN ORDER TO REMEDY A BREACH OF PLANNING CONTROL**

With the agreement of Members, the Chairman suspended Standing Orders so that Councillor Candy Sheridan from North Norfolk District Council could assist the Planning Sub-Committee by speaking in her capacity as Chairman of the Gypsy Council and as a mission member of the United Nations Advisory Group on Forced Evictions.

The Planning Sub-Committee considered a report about the ongoing breach of Enforcement Notice number E498 relating to land at Victoria View, Smithy Fen, Cottenham.

The Senior Lawyer distributed copies of the approved committal Judgment in Case no: ATC090116, received by the Council on 18 May 2009 and detailing orders made on 30 March 2009. The Chairman adjourned the meeting to give Members a chance to read the document.

Given the terms of the committal orders, the report before Members had anticipated there being no continuing residential occupation of the site in breach of the Enforcement Notice and the thrust of the report, therefore, was to address residual breaches following vacation of the unauthorised pitches. Since its publication though, the Council had become aware of one instance where a plot had been reoccupied by parties who had left in compliance with the committal order. This renewed breach was considered to have been prompted by the poor health of one individual concerned. Indeed, in respect of this person, and as a result of the committal, an imposed term of imprisonment for contempt had been suspended on condition that he leaves the site forthwith. The Senior Lawyer stressed that the issue for the Sub-Committee related to direct action only against physical property and structures remaining on site under Section 178 of the Town and Country Planning Act 1990, and that the question of addressing the further contempt represented by the renewed occupation in breach of the committal order was a matter for the Tipstaff (court police), where the individuals concerned were at jeopardy of being arrested and conveyed to prison. Counsel had advised that, on that basis, the Council was entitled to consider the site as being unoccupied for the purposes of the current report. However, any direct action as may be authorised would necessarily be deferred until after the renewed occupation ceased. Members agreed the medical circumstances surrounding one individual on site demanded sensitivity on behalf of the Council.

The Sub-Committee noted that Councillor Sheridan had indicated her willingness to act as a mediator in these circumstances and the facility of this was gratefully accepted as were representations made by Councillor Sheridan in this capacity that the returning occupants would now voluntarily leave the affected land.

The Council would need to engage in a procurement exercise in order to appoint contractors able to take direct action, and arrange access to the site across land owned by third parties.

Councillors Wotherspoon and Edwards (Members for Cottenham) expressed satisfaction with the report's recommendation and with the actions taken by the Council to date in assessing all relevant needs.

The Planning Sub-Committee **resolved** that direct action be taken when appropriate to remove the unauthorised static caravans from the land, remove hard surfacing and secure the site by bunding it.

**39. LAND AT TWENTY PENCE ROAD, COTTENHAM - OUTCOME OF ACTIONS TAKEN ARISING FROM COMPLAINTS OF APPREHENDED UNAUTHORISED DEVELOPMENT**

The Planning Sub-Committee considered a report seeking its ratification of actions taken affecting certain land to the rear of numbers 1 to 18 Twenty Pence Road, Cottenham, where the nature and character of the land, and information received, had rendered this expedient in order to address apprehended unauthorised development.

Councillor Edwards thanked officers for their actions in this matter.

The Planning Sub-Committee

1. **noted** the events described in the report and endorsed the actions taken by officers; and
2. **authorised** officers to commence immediate injunctive proceedings should any evidence of sufficient weight emerge indicating that the terms of the provided undertaking were being, or were about to be, breached.

**40. LAND AT WILLINGHAM ROAD, RAMPTON - OUTCOME OF EMERGENCY INJUNCTION APPLICATION ARISING FROM APPREHENDED UNAUTHORISED DEVELOPMENT**

The Planning Sub-Committee considered a report seeking its ratification of action to secure a pre-emptive injunction affecting certain land to the south west of Willingham Road and Rampton Road, Rampton, where the nature and character of the land, ongoing works, and information received, had rendered this expedient in order to address apprehended unauthorised development.

The Planning Sub-Committee

1. **noted** the events described in the report and endorsed the actions taken by officers; and
2. **authorised** officers to commence immediate committal proceedings should any evidence of sufficient weight emerge indicating that the terms of the Order were being, or were about to be, breached.

**41. LAND AT PLOT 3 CADWIN LANE, WILLINGHAM - OUTCOME OF APPLICATIONS TO VARY INJUNCTION ARISING FROM COMMITTAL ORDER MADE 27 FEBRUARY 2009**

The Planning Sub-Committee considered a report summarising the outcome of applications to vary the injunction relating to land at Plot 3, Cadwin Lane, Willingham made since the committal Order dated 27 February 2009.

Councillor Manning (a Member for Willingham) expressed some surprise at the Judgment but congratulated the efforts of officers in seeking to protect the interests of Travellers seeking to buy land already subject to an Injunction.

The Planning Sub-Committee

1. **noted** the outcomes described in this report and endorsed the actions taken by officers; and
2. **authorised** officers to seek formal assessment of the Defendants' costs should such costs be claimed at a level not agreed as being reasonable.

**42. LAND AT THRILOW HEATH - EVENTS SINCE INJUNCTION**

The Senior Lawyer updated the Planning Sub-Committee verbally on certain operations being conducted on land at Thriplow Heath that might, or might not, constitute development as defined by the Town and Country Planning Act 1990.

Councillor Wright (Planning Portfolio Holder) thanked officers for their diligence in monitoring the situation, and welcomed the support received from Cambridgeshire Police.

**43. DATE OF NEXT MEETING**

The Sub-Committee noted that its next two meetings would be on 21 May 2009 (to elect a Chairman and appoint a Vice-Chairman) and 30 June 2009.

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**The Meeting ended at 3.15 p.m.**

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