

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Planning Committee

6 April 2011

**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager  
(Planning and New Communities)

### CURRENT ENFORCEMENT ACTION CASES

#### 1. Purpose

To update Members about current enforcement action cases as at 25th March 2011.

Ref No	Village	Location	See Page No for full update	Remarks
18/98	Cottenham	Setchell Drove	1 – 4	Plots 7, 7A and Four Winds being monitored.
34/98	Milton	Camside Farm Chesterton Fen Road	4 – 10	Defendants appeared before Cambridge Magistrates Court on 15 <sup>th</sup> May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 <sup>th</sup> August 2008 Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed. <b>Defendants indicate their intention to move to the site at Southgate Farm, Chesterton Fen Road by July 2011.</b>

Ref No	Village	Location	See Page No for full update	Remarks
10/03	Cottenham	Plot 12 Victoria View, Smithy Fen	10 – 13	<p>Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18<sup>th</sup> June 2007. Further assessment of the current occupants medical needs to be carried out in order that the Planning Sub-Committee can be informed of the current position at plot 12 Victoria View.</p> <p>Further planning application submitted reference no S/1178/09/F - Refused at Planning Committee 3rd March 2010. Report to be submitted to Planning Sub Committee.</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches. A further report to be submitted to the Sub-Committee upon determination of the Section 78 Appeal presently running in respect of plot 12 Victoria View, with recommendations dependant upon the outcome of that Appeal</p> <p><b>Appeal allowed subject to conditions set within the decision notice dated 4<sup>th</sup> February 2011.</b></p>

Ref No	Village	Location	See Page No for full update	Remarks
19/03	Histon	Land adjacent to Moor Drove Cottenham Road	13 - 16	Application for injunction refused by the High Court, 5 <sup>th</sup> June 2008 Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. The planning officer has requested further information in order that the schemes relating to conditions can be discharged.

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9/04	Swavesey	Land adjacent to Cow Fen Drove	16 - 20	<p>Defendant appeared at Cambridge Magistrates Court on 10<sup>th</sup> January 2008. Each fined £700 with £200 costs.</p> <p>Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6<sup>th</sup> January 2009</p> <p>S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court.</p> <p>S/1834/07/F "Appeal A" allowed subject to conditions.</p> <p>Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use.</p> <p>Negotiations have failed to provide an acceptable solution. Legal Officer to pursue Injunctive action.</p> <p>Injunction Order granted 4<sup>th</sup> November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by the 2<sup>nd</sup> December 2009.</p> <p>Site inspection carried out on the 3<sup>rd</sup> December 2009 revealed that the Order had not been complied with. Legal Officer informed.</p> <p>Formal warning letter issued to the defendants to vacate the premises.</p> <p>Further inspections confirmed that although the touring caravan had been removed from the site the defendants were still residing at the premises contrary to the Injunction Order.</p> <p>Committal Order instigated</p> <p>Defendants found guilty of contempt and were ordered to be committed to prison for a period of three months, suspended provided that the residential use of the land ceased and residential paraphernalia removed by the 4<sup>th</sup> June 2010. In addition the defendants were ordered to pay costs totalling £9556</p> <p>Further inspection carried out confirmed compliance with the Order. Monitoring to continue.</p>

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13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	20 - 23	<p>Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.</p> <p>No change - Needs Audits to be carried out</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches.</p> <p><b>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town &amp; Country Planning Act 1990 to remedy and restrain continuing breaches of development control, against those adults identified as being either an owner and /or an occupier of plots 5,5A, 6, 10, 11 Orchard Drive and 15 Water Lane, and against persons unknown in respect of those plots, upon the completion of updated needs audits, and provided these do not indicate any change in personal circumstances requiring further consideration by the sub-committee.</b></p>

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4/06	Cottenham	Plot 15 Water Lane Smithy Fen	23 - 27	<p>Appeal dismissed on 29<sup>th</sup> January 2007. File submitted for an application for an injunction. Report to be considered by Planning Sub Committee No change - Needs Audits to be carried out</p> <p><b>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town &amp; Country Planning Act 1990 to remedy and restrain continuing breaches of development control, against those adults identified as being either an owner and /or an occupier of plots 5,5A, 6, 10, 11 Orchard Drive and 15 Water Lane, and against persons unknown in respect of those plots, upon the completion of updated needs audits, and provided these do not indicate any change in personal circumstances requiring further consideration by the sub-committee.</b></p>
8/06	Melbourn	1 London Way Clunchpits	27 - 29	<p>Appeal allowed in part and dismissed in part. Partial compliance. Landscaping scheme now approved. Highways &amp; Environmental Health issues reviewed on site. Findings to be published shortly. No Change – Matter to be referred back to Planning Officer Institute Occupational Management to undertake a further risk assessment on the right of way / asbestos issue</p>
7/07	Barton	The Drift Cambridge Road	29 - 30	<p>Appeal dismissed on the 1<sup>st</sup> April 2008. Compliance date 1<sup>st</sup> October 2008 Partial compliance. Discussions continue.</p>

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16/07	Willingham	38 Silver Street	30 - 31	<p>Enforcement Notice issued 28<sup>th</sup> September 2007 for unauthorised work on Listed building.  At Cambridge Magistrates Court on 10<sup>th</sup> January 2008 the owner was fined £10,000 for unauthorised works.  A Listed building application S/0192/08/LB, approved 19<sup>th</sup> March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance.  Owner interviewed regarding failure to instigate remedial works. Timetable agreed.</p> <p>Works commenced</p> <p><b>Majority of work now complete although minor finishes to be completed. House still unoccupied</b></p>
5/08	Milton	27/28 Newfield's Fen Road Chesterton	31 - 32	<p>Enforcement Notice appealed. Hearing date to be confirmed.  Fresh application submitted.  Appeal dismissed 6<sup>th</sup> May 2009, four months compliance period. Further planning application received and registered. Application S/1170/09 approved 24<sup>th</sup> November 2009, Conditions to be monitored.  Further planning application submitted – Ref: S/0246/10/F.  <b>Planning permission refused.</b></p>
6/08	Milton	6 Sunningdale Fen Road Chesterton	33 - 34	<p>Enforcement Notice appealed. Inquiry date 10<sup>th</sup> February 2009  Appeal allowed on ground (a)  Conditional planning permission granted. Compliance period six months i.e. by 18<sup>th</sup> August 2009. Planning application received and registered.  Application S/1154/09 approved 5<sup>th</sup> October 2009 – Conditions to be monitored.  Original building not removed as per condition – File to be submitted to Legal</p>

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12/08	Histon	Plot 4 Moor Drove	34 - 35	<p>Prosecution file submitted to Legal regarding failure to comply with a "Temporary Stop Notice" Enforcement Notice Issued.</p> <p>Retrospective planning application submitted.</p> <p>Approved at Committee 10<sup>th</sup> June 2009</p> <p>Conditions to be monitored</p>
13/08	Melbourn	49 High Street	35 - 36	<p>Enforcement Notice issued.</p> <p>Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court.</p> <p>Enforcement Notice still not complied with. Further prosecution file submitted</p> <p>Hearing date set for 9<sup>th</sup> July 2009. Male Defendant ejected from court, case adjourned until 23<sup>rd</sup> July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520</p> <p>Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17<sup>th</sup> December 2009</p> <p>Both defendants found guilty at Cambridge Magistrates Court and fined £2195 each including costs of £180 each and £15 each victim surcharge.</p> <p>Enforcement Notice still not complied with. File submitted to Legal to instigate formal action.</p> <p>Retrospective planning application submitted.</p>
01/09	Great Abington	82 High Street	36 - 37	<p>Listed Building Enforcement Notice no 3342 issued 6<sup>th</sup> January 2009 for unauthorised works on a Listed building. Compliance period 3 months.</p> <p>Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve.</p> <p>Listed Building Enforcement Notice complied with in part – Negotiations continue.</p> <p>Planning Appeal dismissed 26<sup>th</sup> May 2010.</p> <p>Negotiations continue – Owners currently living abroad.</p>



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06/09	Over	16a Norman Way Industrial Units	37 - 39	<p>Enforcement Notice issued for change of use of premises without consent. Appealed. Appeal allowed on ground (g) and enforcement notice varied by the deletion of three months and substitution of six months as the period for compliance. Subject to this variation the enforcement notice is upheld.</p> <p>Further planning application submitted, validated 27<sup>th</sup> January 2010. Planning reference S/0114/10/F.</p> <p>Planning application unsuccessful, formal notice to cease unauthorised use issued.</p> <p>Warrant obtained and executed, evidence obtained regarding the continued breach of the Enforcement Notice, reference no 3457 issued 7<sup>th</sup> April 2009. Owner and Operator summoned to appear at Cambridge Magistrates Court 16<sup>th</sup> September 2010.</p> <p>Court date deferred until 7<sup>th</sup> October 2010</p> <p>Further appeal made against the refusal of planning permission. 1<sup>st</sup> December 2010 appeal dismissed. 6<sup>th</sup> December 2010 operator appeared in court and was found guilty of breaching the planning enforcement notice and was fined £12500.00p with additional cost totalling £300.00p and £15.00p Victim Support charge. Upon advice from Counsel a formal warning has been issued to the operator with regard to future breaches of planning control within South Cambridgeshire. Monitoring to continue.</p> <p><b>Operator has vacated the premises and is now relocated to the Truck stop at Alconbury, nr Huntingdon – Remove from active list</b></p>

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07/09	Sawston	163 High Street	39	<p>Listed Building Enforcement Notice issued for dismantling and removal works without authorisation Appealed – Hearing date 5<sup>th</sup> January 2010.</p> <p>Appeal withdrawn.</p> <p>Formal discussions with Conservation Team as to next steps.</p>
16/09	Milton	The Barn, Chesterton Fen Road,	40	<p>Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 6<sup>th</sup> February 2010. Appealed – Inquiry 13<sup>th</sup> &amp; 14<sup>th</sup> April 2010 Inquiry date moved to 18<sup>th</sup> &amp; 19<sup>th</sup> May 2010.</p> <p>Appeal dismissed – Compliance period 9 months i.e. February 2011.</p>
01/10	Histon	Land at Moor Drove	40 - 41	<p>Enforcement Notice issued – Compliance period to cease the unauthorised use two months i.e. by 15<sup>th</sup> April 2010 – Appeal submitted</p> <p>6<sup>th</sup> December 2010 appeal dismissed, compliance period 6<sup>th</sup> February 2011</p> <p><b>Further report received that the HGV vehicle previously identified, is continuing to breach the planning enforcement notice. Breach confirmed and formal copy of the appeal decision notice and warning issued to the vehicle operator. Monitoring continues.</b></p>

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02/10	Stapleford	Hill Trees Babraham Road	41	<p>Enforcement Notice issued - Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15<sup>th</sup> April 2010 Appeal submitted.</p> <p>Public Enquiry date 12<sup>th</sup> October 2010</p> <p>Appeal dismissed 4<sup>th</sup> November 2011 partial costs awarded. Application to appeal against the Inspectors decision has been made</p>
05/10	Great Wilbraham	9 Toft Lane	41 - 42	<p>Enforcement Notice issued - Compliance period to remove the mobile home six months i.e. by 15<sup>th</sup> September 2010 and one month for the two sheds and storage container i.e. by 15<sup>th</sup> April 2010. Part compliance – Steel storage container, and mobile home removed. Rear wooden structure dispute, waiting for further evidence.</p> <p>Referred back to planning officer</p> <p><b>Complied in part – Rear wooden structure being painted/stained No further action to be taken – Remove from active list</b></p>
13/10	Whaddon	North Road Farm Ermine Way	42	<p>Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22<sup>nd</sup> April 2010</p> <p>Appeal submitted 4<sup>th</sup> March 2010.</p> <p>Appeal dismissed – New planning application (S/0292/10/LB) refused, further appeal lodged.</p> <p>Enforcement Notice withdrawn – Planning and Conservation Officers currently in negotiation with Owner</p>

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17/10	Croxton	The Car Wash facility St. Neots Road	43	<p>Enforcement Notice issued – Compliance period to cease using any part of the land for residential use, two months i.e. by 12<sup>th</sup> June 2010. Enforcement Notice Complied with – Site to be monitored for 3 months.</p> <p>Dawn inspection revealed that residential occupation had recommenced – Prosecution file raised</p> <p>Operator appeared at Court, however due to the recent change in ownership of the premises and that the new operators are no longer using the premises for residential occupation the case was withdrawn – Monitoring continues.</p>
19/10	Stow-Cum-Quy	Park Farmhouse Station Road	43	<p>Listed Building Enforcement Notice issued – Compliance period to remove the unauthorised gates three months i.e. by 8 August 2010.</p> <p>Notice Appealed.</p> <p>Listed Building Enforcement Notice withdrawn and reissued – See case 24/10</p>
23/10	Meldreth	Field Gate Nurseries 32 Station Road	44	<p>Enforcement Notice issued – Compliance period to dismantle or demolish the structure of the extension and remove all resulting materials, rubble and /or spoil from the site, one month i.e. 12<sup>th</sup> August 2010</p> <p>Application submitted</p>
24/10	Stow-Cum-Quy	Park Farm Station Road	44	<p>Enforcement notice issued – Compliance period to remove unauthorised gates, one month i.e. by 6<sup>th</sup> September 2010 Appeal submitted</p> <p>1<sup>st</sup> December 2011 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC.</p>

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26/10	Whaddon	8 Church Street	44 - 45	Listed Building Enforcement Notice issued. Compliance period 3 months i.e. by 15 <sup>th</sup> March 2011  <b>Appeal made - Dismissed</b>  <b>Further Listed building Consent and planning application submitted inline with the planning inspectors appeal decision.</b>
28/10	Odsey	Odsey Grange Baldock Road	45	Enforcement Notice issued – Compliance period to remove the unauthorised garage, three calendar months i.e. by 21 <sup>st</sup> April 2011  <b>Appeal submitted</b>

**Background Papers:** the following background papers were used in the preparation of this report:

- Enforcement Action Progress Report as at 25<sup>th</sup> March 2011 (attached to the electronic version of the agenda on the Council's website)

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