

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 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 24 June 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 th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 th August 2008 Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed. Defendants indicate their intention to move to the site at Southgate Farm, Chesterton Fen Road by July 2011. Waiting delivery of replacement mobile home.

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10/03	Cottenham	Plot 12 Victoria View, Smithy Fen	10 – 14	<p>Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18th 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>Appeal allowed subject to conditions set within the decision notice dated 4th February 2011.</p> <p>Conditions currently being monitored remove from listing</p>

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19/03	Histon	Land adjacent to Moor Drove Cottenham Road	14 - 17	<p>Application for injunction refused by the High Court, 5th June 2008 Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale.</p> <p>The planning officer has requested further information in order that the schemes relating to conditions can be discharged.</p>

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9/04	Swavesey	Land adjacent to Cow Fen Drove	17 - 20	<p>Defendant appeared at Cambridge Magistrates Court on 10th January 2008. Each fined £700 with £200 costs. Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6th January 2009 S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court. 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 4th November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by the 2nd December 2009. Site inspection carried out on the 3rd 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. 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 4th 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> <p>Monitoring visits have confirmed that the one of the defendants is still residing on site and is therefore in breach of the Injunction Order</p>

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				<p>The defendant appeared at the High Court on 22nd June 2011 and was found to be in contempt of court and was sentenced to 90 days imprisonment and ordered to pay the Councils costs totalling £7,135.00p</p>
13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	20 - 24	<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>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town & 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.</p>

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4/06	Cottenham	Plot 15 Water Lane Smithy Fen	24 - 27	<p>Appeal dismissed on 29th 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>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town & 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.</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 & 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	30 - 31	<p>Appeal dismissed on the 1st April 2008. Compliance date 1st October 2008 Partial compliance. Discussions continue.</p>

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16/07	Willingham	38 Silver Street	31 - 32	<p>Enforcement Notice issued 28th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19th 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>Majority of work now complete although minor finishes to be completed. House still unoccupied</p>
5/08	Milton	27/28 Newfield's Fen Road Chesterton	32 - 34	<p>Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6th May 2009, four months compliance period. Further planning application received and registered. Application S/1170/09 approved 24th November 2009, Conditions to be monitored. Further planning application submitted – Ref: S/0246/10/F. Planning permission refused.</p>
6/08	Milton	6 Sunningdale Fen Road Chesterton	34 - 35	<p>Enforcement Notice appealed. Inquiry date 10th February 2009 Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18th August 2009. Planning application received and registered. Application S/1154/09 approved 5th 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	35 - 36	<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 10th June 2009</p> <p>Conditions to be monitored</p>
13/08	Melbourn	49 High Street	36 - 37	<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 9th July 2009. Male Defendant ejected from court, case adjourned until 23rd 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 17th 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	38 - 39	<p>Listed Building Enforcement Notice no 3342 issued 6th 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 26th May 2010.</p> <p>Negotiations continue – Owners currently living abroad.</p> <p>Remedial works commenced, completion due November 2011</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 5th 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 6th February 2010. Appealed – Inquiry 13th & 14th April 2010 Inquiry date moved to 18th & 19th 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 15th April 2010 – Appeal submitted</p> <p>6th December 2010 appeal dismissed, compliance period 6th February 2011</p> <p>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.</p>

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02/10	Stapleford	Hill Trees Babraham Road	41- 42	<p>Enforcement Notice issued - Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15th April 2010 Appeal submitted.</p> <p>Public Enquiry date 12th October 2010</p> <p>Appeal dismissed 4th November 2011 partial costs awarded. Application to appeal against the Inspectors decision has been made</p>
13/10	Whaddon	North Road Farm Ermine Way	42	<p>Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22nd April 2010</p> <p>Appeal submitted 4th 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>
17/10	Croxtan	The Car Wash facility St. Neots Road	42 - 43	<p>Enforcement Notice issued – Compliance period to cease using any part of the land for residential use, two months i.e. by 12th 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> <p>No change – Remove from listing</p>

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19/10	Stow-Cum-Quy	Park Farmhouse Station Road	43	Listed Building Enforcement Notice issued – Compliance period to remove the unauthorised gates three months i.e. by 8 August 2010. Notice Appealed. Listed Building Enforcement Notice withdrawn and reissued – See case 24/10
23/10	Meldreth	Field Gate Nurseries 32 Station Road	44	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 th August 2010 Application submitted
24/10	Stow-Cum-Quy	Park Farm Station Road	44	Enforcement notice issued – Compliance period to remove unauthorised gates, one month i.e. by 6 th September 2010 Appeal submitted 1 st December 2010 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC.
26/10	Whaddon	8 Church Street	45	Listed Building Enforcement Notice issued. Compliance period 3 months i.e. by 15 th March 2011 Appeal made - Dismissed Further Listed building Consent and planning application submitted inline with the planning inspectors appeal decision.

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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 st April 2011 Appeal submitted Appeal dismissed – Compliance period 3 months i.e by 9th September 2011

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

- Enforcement Action Progress Report as at 24th June 2011 (attached to the electronic version of the agenda on the Council’s website)

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