

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Planning Committee

4 July 2012

**AUTHOR/S:** Planning and New Communities Director

### CURRENT ENFORCEMENT ACTION CASES

#### Purpose

1. To update Members about current enforcement action cases as at 21 June 2012.

Ref No	Village	Location	See Page No for full update	Remarks
18/98	Cottenham	Setchel Drove	1 – 4	Plots 7, 7A and Four Winds continue to be monitored. File to be removed and transferred to main monitoring list
19/03	Histon	Land adjacent to Moor Drove Cottenham Road	5 - 8	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.
9/04	Swavesey	Land adjacent to Cow Fen Drove	8 - 12	Monitoring visits have confirmed that the one of the defendants is still residing on site and is therefore in breach of the Injunction Order  High Court date 22 <sup>nd</sup> June 2011  Defendant Steven Cuff found guilty of contempt by the Court and was sentenced to 90 days imprisonment. Monitoring continues

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13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	12-16	<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 &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. Travellers Liaison Officer unable to obtain details relating to personal circumstances requiring consideration by the Sub Committee. Further Needs Assessments carried out - Formal proceedings continue.</p> <p>Further planning application submitted – Reference S/0041/12/FL</p> <p><b>Planning application refused. Formal proceeding to continue</b></p>

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4/06	Cottenham	Plot 15 Water Lane Smithy Fen	16 -20	<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>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. Travellers Liaison Officer unable to obtain details relating to personal circumstances requiring consideration by the Sub Committee. Further Needs Assessment carried out - Formal proceedings continue.</p> <p>Further planning application submitted – Reference S/0041/12/FL</p> <p><b>Planning application refused. Formal proceeding to continue</b></p>

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8/06	Melbourn	1 London Way Clunchpits	20 - 22	<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            Multi Agency meeting to be arranged to agree way forward. Meeting held, further information required.</p>
7/07	Barton	The Drift Cambridge Road	22 - 24	<p>Appeal dismissed on the 1<sup>st</sup> April 2008.            Compliance date 1<sup>st</sup> October 2008            Partial compliance. Discussions continue.</p> <p>Matter referred to delegation to consider next steps</p>

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16/07	Willingham	38 Silver Street	24 - 26	<p>Enforcement Notice issued 28<sup>th</sup> September 2007 for unauthorised work on Listed building.</p> <p>At Cambridge Magistrates Court on 10<sup>th</sup> January 2008 the owner was fined £10,000 for unauthorised works.</p> <p>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.</p> <p>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> <p>Waiting for further instruction from Conservation team</p> <p>Prosecution file submitted to legal</p>
5/08	Milton	27/28 Newfield's Fen Road Chesterton	26- 27	<p>Enforcement Notice appealed. Hearing date to be confirmed.</p> <p>Fresh application submitted.</p> <p>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.</p> <p>Further planning application submitted – Ref: S/0246/10/F.</p> <p>Planning permission refused.</p> <p>File submitted to Legal.</p> <p>Further information requested, file resubmitted.</p>

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6/08	Milton	6 Sunningdale Fen Road Chesterton	28 - 29	<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> <p>Further information received from the owner, awaiting further instruction from planning officer.</p> <p><b>Compliance/resolved in part. Not expedient to take further action. Remove from active list.</b></p>
12/08	Histon	Plot 4 Moor Drove	29 - 31	<p>Prosecution file submitted to Legal regarding failure to comply with a “Temporary Stop Notice” Enforcement Notice Issued.  Retrospective planning application submitted.  Approved at Committee 10<sup>th</sup> June 2009  Conditions to be monitored</p>

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13/08	Melbourn	49 High Street	31 - 32	<p>Enforcement Notice issued. Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court. Enforcement Notice still not complied with. Further prosecution file submitted 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. Enforcement Notice still not complied with. File submitted to Legal to instigate formal action.</p> <p>Retrospective planning application submitted. Application refused.</p> <p>Negotiations continue to ensure compliance with the outstanding enforcement notice.</p> <p><b>Remedial work commenced. Further inspection required to ensure compliance.</b></p>

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01/09	Great Abington	82 High Street	32 - 34	<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. Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve. 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> <p>Remedial works commenced, completion due November 2011</p> <p>Majority of works now complete, Further inspection carried out by Conservation team – Works to window still outstanding - Negotiations continue</p>
07/09	Sawston	163 High Street	34 -35	<p>Listed Building Enforcement Notice issued for dismantling and removal works without authorisation</p> <p>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>



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01/10	Histon	Land at Moor Drove	35 - 36	<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>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> <p>Enforcement Notice now complied with – Monitoring to continue.</p> <p><b>No Change. Remove from active list</b></p>

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02/10	Stapleford	Hill Trees Babraham Road	36 - 37	<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> <p>Appeal registered – Court Hearing Date confirmed as 18<sup>th</sup> October 2011. Application to appeal dismissed.</p> <p>Further site inspections carried out 2nd December 2011 although notice complied with further issues were highlighted relating to the storage of motor vehicles and amenity /waste deposited on the land. Legal file to be prepared.</p> <p>Following Enforcement Sub-Committee approval to instigate direct action, application made to apply for a Judicial Review</p> <p><b>Following initial court hearing and advice from Counsel no action is to be taken in regard to the resolution of the planning enforcement sub-committee dated 15th February 2012. Further information sought and a report to be submitted to the planning committee, with recommendations on how to proceed in this matter.</b></p>

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13/10	Whaddon	North Road Farm Ermine Way	37 - 38	<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> <p>Amended scheme submitted and approved subject to conditions</p>
19/10	Stow-Cum-Quy	Park Farmhouse Station Road	38 - 39	<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	39 - 40	<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 – Planning permission granted subject to conditions. Compliance to be monitored.</p> <p><b>Meeting between planning officer and applicant took place end of May 2012. Although signs and parking were agreed conditions C &amp; D (Toilet block and noise management scheme) require further work. Monitoring continues</b></p>

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24/10	Stow-Cum-Quy	Park Farm Station Road	40	<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 2010 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC. Revised scheme agreed further application to be submitted.</p> <p>Amended scheme submitted and approved subject to conditions</p> <p><b>Conditions discharged – Remove from active list</b></p>
28/10	Odsey	Odsey Grange Baldock Road	41	<p>Enforcement Notice issued – Compliance period to remove the unauthorised garage, three calendar months i.e. by 21<sup>st</sup> April 2011</p> <p>Appeal submitted</p> <p>Appeal dismissed – Compliance period 3 months i.e. by 9<sup>th</sup> September 2011 Re-Inspection appointment set 28<sup>th</sup> September 2011.</p> <p>Further application submitted S/1942/11 – Negotiations continue.</p>
1/11	Hardwick	The Blue Lion 74 Main Street	41 – 42	<p>Enforcement Notice Issued. Compliance period to remove unauthorised decking structure - One month i.e. by 30<sup>th</sup> September 2011.</p> <p>Appeal submitted - Appeal dismissed. Compliance period extended to two months – 24<sup>th</sup> March 2012</p> <p>Revised scheme S/2082/11, submitted – Refused 13<sup>th</sup> March 2012</p> <p><b>Part compliance, Majority of decking removed. Further application to be submitted for remaining decking</b></p>

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6/11	Little Wilbraham	The Scholars Junction of Rectory Farm Road & Great Wilbraham Road	42	<p>Enforcement Notice issued. Owners required to a) Complete remedial works to ensure that no part of the boundary treatment (including piers or other features) exceeds 1 metre in height. b) remove the brick outbuilding and c) remove all scrap or surplus material resulting from compliance with parts a) and b)</p> <p>Compliance period three months. Appeal submitted – 18<sup>th</sup> December 2011</p> <p><b>Appeal dismissed 15th May 2012 Further discussions have taken place as part of a pre-application and a further application with a revised scheme will be submitted shortly.</b></p>
7/11	Little Wilbraham	The Scholars Junction of Rectory Farm Road & Great Wilbraham Road	42 – 43	<p>Enforcement Notice issued. Owners required to:</p> <ul style="list-style-type: none"> <li>a) Remove the stainless steel extraction flue together with all associated exterior brackets and supports.</li> <li>b) Remove the air-conditioning units and all associated exterior cabling and pipe work and</li> <li>c) Remove the unauthorised raised lantern type roof-light structure and replace with a flat profiled roof-light to accord with the details shown in plan 2001-003 revision B, as approved under planning consent S/0797/10/F</li> </ul> <p>Compliance period three months. Appeal submitted – 18<sup>th</sup> December 2011</p> <p><b>The appeal was allowed insofar as it relates to the roof-light and planning permission is granted. The appeal in respect of the remaining development the appeal was dismissed 15th May 2012. Further discussions have taken place as part of a pre-application and a further application with a revised scheme will shortly be submitted</b></p>

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8/11	Arrington	a) Leo Autopoint Petrol Filling Station, 11 Ermine Way b) Former Telephone Exchange, Ermine Way	43 - 44	<p>Enforcement Notice issued. Steps to be taken.</p> <ul style="list-style-type: none"> <li>a) Cease the use of Area's A and B for commercial purpose consisting of the repairing, servicing, valeting and sale of motor vehicles.</li> <li>b) Remove all motor vehicles from the affected land that are present in connection with the unauthorised commercial use.</li> </ul> <p>Compliance period three months – 2<sup>nd</sup> April 2012</p> <p><b>Planning application S/0639/12 submitted</b></p>
1/12	Fulbourn	1A Impetts Lane	44	<p>Enforcement Notice issued. Owner required to a) complete remedial works to either remove the entirety of the gates or support piers, or to secure the reduction in height of the structures so that no part of the same exceeds 2 metres in height when measured from the ground.</p> <p>b) Remove from the affected land all scrap or surplus material resulting from compliance with part a)</p> <p>Compliance period three months – 20<sup>th</sup> May 2012</p> <p><b>Inspection carried out revealed that the enforcement notice has not been complied with. Prosecution file to be raised.</b></p>

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2/12	Cottenham	Plots 4/5 Pine Lane, Smithy Fen	44 - 45	<p><b>Enforcement Notice issued, Owner/occupier to:</b></p> <p>a) Cease the use of the affected land for the stationing and residential occupation of the caravans and motor homes</p> <p>b) Remove from the affected land all caravans, motor homes and ancillary domestic paraphernalia associated with the residential occupation of the same.</p> <p>c) Restore and thereafter maintain the affected land as being available for use by the occupiers of and visitors to plots 1-3 and 6 Pine Lane as a turning, parking, and amenity area to facilitate the pre-established residential occupation of those plots.</p> <p>Notice Appealed – Hearing date 21st June 2012. Waiting outcome.</p>
3/12	Histon	Land to the rear of plot 4 Moor Drove	45	<p><b>Enforcement Notice issued, Owner/occupier to</b></p> <p>a) Cease the unauthorised use of any part of the affected land for the commercial storage, sorting, or processing of scrap materials and return the full extent of the same to the authorised use as agricultural land.</p> <p>b) Remove the shipping container including all its contents, and all tools, equipment, plant and machinery for materials sorting and processing from the affected land</p> <p>c) Remove the hard-surfacing, including hoggin, planning's, sand and gravel comprising the same from the affected</p> <p>d) Remove all scrap materials and general rubbish from the affected land</p> <p>e) Restore the cleared area to a condition and standard that enables resumption of the authorised agricultural user.</p>

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

- Enforcement Action Progress Report as at 21<sup>st</sup> June 2012 (attached to the electronic version of the agenda on the Council's website)

**Contact Officer:** Charles Swain – Planning Enforcement Dept  
Telephone: (01954) 713206