

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd April 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

B/1/45/85 – STAPLEFORD Breach of Enforcement Notice

**Land adjacent to Hill Trees, Babraham Road,
Stapleford, Cambridgeshire CB22 4AD**

The current breach of the Enforcement Notice has been reported to the Planning Committee for authority to proceed with “Direct Action” to ensure compliance with the Enforcement Notice.

Background

1. The site is located in open rolling countryside, on the slopes of the Gog Magog Hills, which form an important and distinctive element in the otherwise flat landscape setting around the City of Cambridge, and is 100m off the A1307 Babraham Road, Stapleford. It is within the Cambridge Green Belt, where there is a presumption against inappropriate types of development.
2. Following a complaint on the 28th October 2004, and subsequent investigation that a mobile home and other vehicles and materials had been moved on to land adjacent to Hill Trees, Babraham Road, Stapleford without planning permission, a Planning Enforcement Notice, SCDC Reference No: E499 was issued on the 23rd February 2005.
3. The Enforcement Notice, No E499 was appealed in March 2005 - On The 2nd November 2005 the Planning Inspectorate dismissed the Appeal and the Enforcement Notice was upheld. The Inspector refused to grant planning permission on the deemed application.
4. As a result of the decision several motor vehicles, were subsequently removed from the land, however a Mobile home, a Nissen hut and several other items allegedly used for / in connection with the land still remained. A retrospective planning application for the Mobile Home and Nissen hut (S/1469/06/O) was registered on the 28th July 2006. Having considered the merits of the Planning application, it was decided to formally refuse the application. The decision, dated 15th September 2006, was again appealed - The Planning Inspectorate dismissed the appeal on the 29th January 2008 having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety.

Considerations

5. A site inspection on the 31st January 2008 and 5th March 2008 has confirmed that the mobile home/ caravan and a white Nissen motor vehicle still remain on the land and are in breach of the current Enforcement Notice.

6. A current check of the Land Registry Title information for the land adjacent to Hill Trees, Babraham Road, Stapleford, Cambridgeshire CB22 4AD has revealed that there are no recorded owners for the property known as Hill Trees or the land adjacent to it.

Financial Implications

7. Cost of direct action is estimated to be £1550 plus VAT for the removal of the Mobile home/caravan and the motor vehicle with storage charges of £60 plus VAT per day. The property has to be retained for a minimum period of 7 days to allow the owner to claim his property.

Legal

8. The power to exercise all enforcement functions comes under the Town and Country Planning Act 1990'. In this respect, the statutory power to take direct action is derived from section 178(1) T&CPA 1990 currently extant. The Planning and Compensation Act 1991, gives the power to execute works required by enforcement where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice. Section 7-(1) of the Act gives the Local Planning Authority the power to - a) enter the land and take steps; and b) recover from the person who is then the owner/occupier of the land any expenses reasonably incurred by them in doing so."

Options

9. There are previous planning control complaints involving the occupier of this land that has resulted in substantial costs to the Council over a number of years. Therefore, on this occasion, it would not be in the public interest to seek further actions through the courts, but instead instigate "Direct Action" and remove the unauthorised mobile home /caravan and motor vehicle from the land, as this would be the most immediate and most cost effective route to resolve this breach of planning control. Any publicity in connection with this action, positive or negative, would serve as a reminder to the Public that the Council will act accordingly where breaches of planning control are identified and cannot be resolved through the normal process.

Recommendation

10. In summary therefore given the previous expenditure to the Council to date, and having considered in particular the effect on the countryside, The Green Belt Policy, and highway safety the recommendation is that direct action be taken to remove the unauthorised mobile home/ caravan and motor vehicle from the land.

Background Papers:

11. The following background/ case file papers were used in the preparation of this report:
 - a) Enforcement Notice dated 23rd February 2005.
 - b) Appeal Decisions dated 2nd November 2005 and 29th January 2008.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 2 April 2008 at 2.00 p.m.

PRESENT: Councillor CR Nightingale – Chairman
Councillor Mrs JM Guest – Vice-Chairman

Councillors:	BR Burling	Mrs SA Hatton
	Mrs CA Hunt	SGM Kindersley
	AG Orgee	Mrs DP Roberts
	Mrs HM Smith	RJ Turner
	JF Williams	TJ Wotherspoon

Officers in attendance for all or part of the meeting:

Gary Duthie (Senior Lawyer), David Grech (Principal Conservation Officer), Gareth Jones (Corporate Manager, Planning & Sustainable Communities), Tony Marks (Enforcement Officer - Development Control), Ray McMurray (Area Planning Officer), Melissa Reynolds (Area Planning Officer), David Rush (Development Control Manager), Ian Senior (Democratic Services Officer), Paul Sexton (Area Planning Officer), Pamela Thornton (Senior Planning Officer) and Kate Wood (Principal Planning Officer (Major Developments))

Councillors Mrs JE Lockwood, MJ Mason, NJ Scarr and NIC Wright were in attendance, by invitation.

Apologies for absence were received from Councillors Mrs PS Corney, RE Barrett, Mrs PM Bear and TD Bygott (Councillor TJ Wotherspoon acting as substitute).

179. GENERAL DECLARATIONS OF INTEREST

Councillor SGM Kindersley declared a personal interest as a Cambridgeshire County Councillor, especially in relation to minute numbers 173 (Gamlingay) and 177 (Barrington), which were both parishes within his Electoral Division of Gamlingay, and 178 (Appeals).

Councillor AG Orgee declared a personal interest as a Cambridgeshire County Councillor, especially in relation to minute numbers 182 (Harston), 185 (Great Shelford) and 189 (Stapleford).

Councillor RJ Turner declared a personal interest as a Cambridgeshire County Councillor, especially in relation to minute number 181 (Fulbourn)

180. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 5 March 2008.

181. S/0132/08/F – FULBOURN (NEW ACCESS ROAD AT QUEENS FARM, WILBRAHAM ROAD)

Will Lusty (applicant's agent) and Councillor Neil Scarr (a local Member) addressed the meeting.

The Committee **REFUSED** the application for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities). The Committee

RESOLVED that appropriate enforcement action be taken and that an appropriate compliance period be determined in conjunction with local Members to secure improvements to the existing access road and junction.

Councillor NJ Scarr declared a personal interest as a member of Fulbourn Parish Council. He had not been present at the meeting at which the Parish Council had discussed the application.

182. S/0089/08/F – HARSTON (LAND R/O 44 & 46 LONDON ROAD)

Peter Clark (applicant's agent), and Councillor Janet Lockwood (local Member) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, subject to no new material planning representations about the amended drawings being received within the consultation period.

183. S/0229/08/F – HISTON (1 AINGERS ROAD)

Don Proctor for RPS (applicant's agent), and Councillor Mike Mason (a local Member) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, as amended by letter and plans date stamped 14 March 2008, subject to clarification from the applicant of its control of the land on which the visibility splays for the pedestrian access are located, and to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

Councillor MJ Mason declared a personal interest as a member of Histon Parish Council.

184. S/0146/08/F - IMPINGTON (LAND NORTH OF IMPINGTON LANE)

Councillor Mike Mason (a local Member) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO REFUSE** the application for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities), subject to the further detailed comments awaited and the Highway Agency's holding objection.

185. S/1597/07/F – GREAT SHELFORD (40 CHURCH STREET)

Sheila Smith (objector) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 2 April 2008. The Committee **APPROVED** the application, as amended by letter dated 4th February 2008 and drawings date stamped 12th February 2008, subject to the deletion of Condition 1 referred to in the report from the Corporate Manager (Planning and Sustainable Communities) (requiring the flue to be painted black within three months of issue of the Decision Notice) and addition of a Condition requiring that the flue be removed if no longer needed.

Councillor CR Nightingale declared a personal interest as a member of Great Shelford Parish Council but stated that he took no part in the meeting at which this application had been considered and that he was considering the matter afresh.

186. S/0184/08/F AND S/0185/08/F – CASTLE CAMPS (LOWER CAMPS HALL FARM)

David Spencer (applicant) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 2 April 2008. The Committee gave officers **DELEGATED POWERS TO APPROVE** both applications subject to the receipt of amended site plans showing the footprint of the buildings and access to the site as being on land within the applicant's ownership, and to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

The Committee also resolved that enforcement action be taken to require the cessation of use of part of the existing building as a dwelling house with a compliance period of six months.

187. S/2287/07/F – FOWLMERE (WELDING ALLOYS LTD, THE WAY)

The Committee **REFUSED** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reason for refusal as being the proposal's adverse impact on residential properties due to noise, and its conflict with policies DP/3, ET/5 and NE/15 of the South Cambridgeshire Local Development Framework 2007.

Councillor Mrs DP Roberts declared a personal interest as a member of Fowlmere Parish Council but stated that she was considering the matter afresh.

188. S/0260/08/O – GAMLINGAY (30 CINQUES ROAD)

The Committee **REFUSED** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reason for refusal as being the absence of any affordable housing provision as required by Policy HG/3 of the South Cambridgeshire Local Development Framework 2007.

Councillor Mrs DP Roberts did not vote because she was not present in the Chamber during the first part of the debate.

189. B/1/45/85 – STAPLEFORD (LAND ADJACENT TO HILL TREES, BABRAHAM ROAD)

Prior to considering this application, the Committee attended a site visit on 2 April 2008. The Committee **RESOLVED** that direct action be taken to remove the unauthorised mobile home / caravan and motor vehicle from the land.

190. S/0125/08/F – LANDBEACH (LAND BETWEEN 60 & 70 HIGH ST)

It was reported that the applicant was the Ely Diocese Board of Finance.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, subject to the receipt of the Local Highways Authority's response to consultation, the applicant agreeing to pay a commuted sum in respect of public open space, and the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

191. S/6103/00/F – CAMBOURNE (PLOT 3000, SOUTH SIDE, CAMBOURNE BUSINESS PARK)

The Committee **APPROVED** the application for the use and proposed bollards and signage until 31st March 2009 for the reason set out in the report from the Corporate Manager (Planning and Sustainable Communities) and subject to

1. the submission of details of the proposed bollards and signage for approval prior to their first use;
2. the bollards and signage being removed on or before 31st March 2009; and
3. the Council
 - updating and actively implementing its Travel for Work Plan
 - promoting improved public bus services and their use by staff and visitors
 - making more efficient use of the existing car parks by reserving only essential requirements such as disabled spaces, leading Members and key staff (not meeting attendees)
 - increasing the on-site car parking provision by about 30 additional car parking spaces, to the west and north of the building, of which 10 would be for overflow parking on an occasional basis utilising part of the existing amenity area at the rear of the building
 - taking a one year lease of the application site temporary car park so that it could be used for pre-programmed events such as full Council meetings, training or conferences which were attended by members of the public

192. S/0012/08/RM – CAMBOURNE (LAND PARCEL UC09, UPPER CAMBOURNE)

The Committee **APPROVED** the Reserved Matters of layout, scale, appearance, access and principles of landscaping as amended by plans date stamped 7th March 2008 for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities) and subject to the Conditions referred to therein.

193. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **NOTED** a report on Appeals against planning decisions and enforcement action.

194. ENFORCEMENT ACTION

The Committee **NOTED** a report on enforcement action ongoing as at 9 January 2008.

The Meeting ended at 5.40 p.m.
