



SCDC Ref No: **PLAENF.3837**

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

SECTION 172 TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)

**ENFORCEMENT NOTICE**

**The change of use of residential accommodation to a mixed use of residential and motor vehicles sales and repair without the required planning permission**

To: Mrs Freda Cook, Hill Trees, Babraham Road, Stapleford, Cambridge, CB22 3AD  
Mr Fleet Cooke, 136 Perne Road, Cambridge, CB1 3NX

ISSUED BY: **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2 THE LAND AFFECTED**

The land and property situate at and known as Hill Trees, Babraham Road, Stapleford, Cambridge, CB22 3AD shown edged with a thick black line on the attached plan.

**3 THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the change in use of residential accommodation to a mixed use of residential and motor vehicles sale and repair.

**4 REASONS FOR THIS NOTICE**

- a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- b) The use of the land for a car sales business constitutes inappropriate development in the Green Belt by definition, and there are not considered to be any exceptional or very special circumstances to justify such a use. The use is therefore contrary to Policy GB/1 of the Local Development Framework 2007, which states that there is a presumption against inappropriate development in the Green Belt.
- c) The use of the land as a car sales business is not a use that requires a rural location. It is therefore contrary to Policy DP/7 of the LDF 2007, which states that, outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
- d) The use detracts from the visual amenity of the countryside and the openness and rural character of the Green Belt, contrary to LDF Policies DP/3 and NE/4, which resist development that has an unacceptable adverse impact on the countryside and landscape character.
- e) The use, in increasing the volume of traffic entering and leaving the site, would have an adverse effect on the safety and free flow of traffic on the adjoining public highway, contrary to LDF Policy DP/3 which resists development that has an unacceptable adverse impact from traffic generated.

## 5 WHAT YOU ARE REQUIRED TO DO

Cease the use of the land for motor vehicles sales and repair.

## 6 WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15th March 2010 unless an appeal is made against it beforehand.

## 7 TIME FOR COMPLIANCE

The steps set out in paragraph 5 above must be performed within one month following the date this notice takes effect.

Dated: 3<sup>rd</sup> FEBRUARY 2010

Signed: *Lawrence M. M. M. M.* Acting Legal & Democratic Services Manager

On behalf of: South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA. (Please quote the Council's reference number in any correspondence: **PLAENF.3837**)

## ANNEXE

### YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be sent so that it is delivered by post or electronic transmission to the Secretary of State **before the date stated in paragraph 7** of this notice. **Please note that a separate appeal must be lodged for each individual person or organisation desiring to appeal.**

### NOTE:

1. If you wish to appeal this Notice on ground (a) [permission should be given for the use or operational development enforced against], this is the equivalent of applying for planning permission for the development alleged in the notice and there will be fees payable both to the Planning Inspectorate and the Council each of the amount of the normal planning application fee namely **£335** (making a total of **£670**). The fees should be sent when any appeal is made and joint appellants need only pay one set of fees. Cheques sent to the Inspectorate should be payable to "Department for Communities and Local Government"; cheques sent to the Council should be payable to "South Cambridgeshire District Council".
2. Copies of all relevant development plan policies are attached.

**Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-**

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

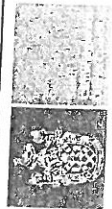
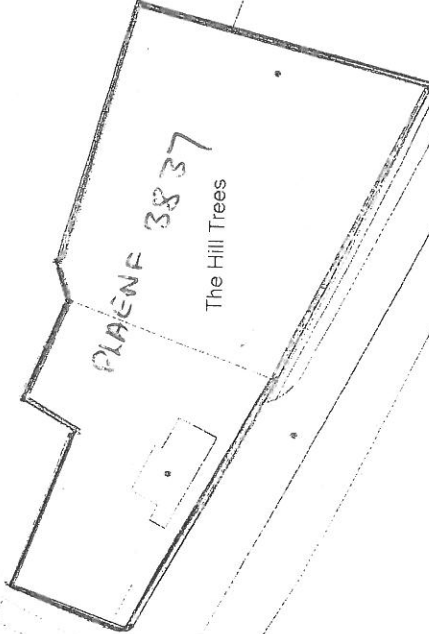
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173 (9) falls short of what should reasonably be allowed.

**Not all of these grounds may be relevant to you.**

You may appeal on-line through the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)); or in paper by obtaining enforcement appeal forms from the Planning Inspectorate who may be contacted by telephoning 0117 3726372 or by email ([enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)).

Copies of the Planning Inspectorate's booklet "Guide to Taking Part in Planning Enforcement Appeals" may be obtained free of charge from the same source or by request from South Cambridgeshire District Council.

HILL TREES, BABHAM ROAD, STAPLEFORD,  
CAMBRIDGE, CB22 3AD



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Date 4/12/2009