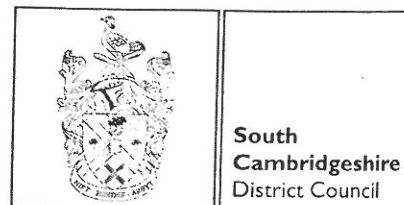


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Charlie Seach



7 February 2012

To: Chairman – Councillor Mervyn Loynes
Vice-Chairman – Councillor Val Barrett
Members of the Planning Enforcement Sub-Committee – Councillors
Pippa Corney, Sebastian Kindersley, Charles Nightingale, Deborah Roberts and
Hazel Smith

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING ENFORCEMENT SUB-COMMITTEE**, which will be held in **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 15 FEBRUARY 2012 at 2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PAGES

Public Speaking

Those not members of the Planning Enforcement Sub-Committee wishing to address the meeting should first read the Public Speaking Protocol attached to the electronic version of this agenda.

1. **Apologies for Absence**
To receive apologies from sub-committee members.
2. **Declarations of Interest**
3. **Minutes of Previous Meeting** 1 - 4
To authorise the Chairman to sign the minutes of the meeting held on 23 November 2011 as a correct record.
4. **COTTENHAM: Residual breaches at Smithy Fen** 5 - 14

- | | | |
|----|--|---------|
| 5. | WILLINGHAM: Formation of unauthorised Gypsy / Traveller site at The Oaks, Meadow Road | 15 - 32 |
| 6. | STAPLEFORD: Breach of Enforcement Notices on land adjacent to Hill Trees, Babraham Road | 33 - 38 |

EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Enforcement Sub-Committee	15 February 2012
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)	

BREACH OF ENFORCEMENT NOTICES

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

Purpose

1. This matter has been brought before the Planning Enforcement Sub Committee as officers have been unable to resolve an outstanding issue where the occupier of the land has failed to comply with two enforcement notices relating to the site

Recommendations

2. That the Planning Enforcement Sub Committee agree to:
 - (a) Authorise direct action to remove all unauthorised items in breach of Enforcement Notice E499.
 - (b) Authorise direct action to remove all unauthorised items in breach of Enforcement Notice PLAENF. 3837

Reasons for Recommendations

3. It is felt that this option is the most appropriate in the circumstance as it would not be in the Public interest to seek further actions through the Magistrates Court given the previous planning control complaints involving the occupier of this land that has resulted in substantial costs to the Council over a number of years. 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.

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

Background

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

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. 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.

Although the Planning Inspectorate upheld the Notice, the owner/occupier of the land failed to comply and the matter was referred to the Planning Enforcement Sub-Committee to authorise direct action. Having granted approval direct action to remove the unauthorised items was instigated on the 7th May 2008. Since that time further breaches have occurred as itemised in appendix 1 attached to this report.

Enforcement Notice No PLAENF. 3837 was issued on the 3rd February 2010 as a result of the owner/occupier repairing and selling motor vehicles from the property. The Notice was subsequently appealed however the Planning Inspectorate later dismissed the Appeal and the Notice upheld subject to corrections. A high Court challenge by the occupier was also embarked upon but was not successful.

A list of the vehicles and other items identified in breach of the above Enforcement Notice are itemised in appendix 1 attached to this report.

Considerations

4. Members of the Planning Enforcement Sub Committee are asked to consider the enforcement recommendations identified in point 2 above.

Options

5. The planning enforcement sub-committee may determine to
 - (a) Take immediate direct enforcement action against the land owner/occupier in response of the failure to comply with the relevant enforcement notices
 - (b) Take no further action at this time but continue to monitor the current breaches

Implications

6. Regardless of the sensitive nature of this particular case there are wider implications the local planning authority must consider when determining the most appropriate resolution in that other landowners may reasonably expect similar treatment putting at risk the planning authorities ability to implement planning control through the Town & Country Planning regulations.

7.	Financial	The financial implication relates to the cost of direct action and is estimated to be £8,800.00p, plus VAT plus storage charges of £10 per day for each item removed into storage. Maximum 28 days. Any domestic items stored will be charged at a rate of £50 plus VAT per week.
	Legal	The legal implication is the potential for the owner/occupier to seek an Injunction to prevent the direct action or instigate a Judicial Review
	Staffing	The staffing implication relates to the additional burden of administrative work in terms of monitoring and compliance by the enforcement team as well as the work undertaken by the legal team.
	Risk Management	The risk management implication relates to the potential for the land owner/occupier to continue to breach planning control
	Equality and Diversity	The equality and diversity implication relates to the potential preferential treatment of the applicant and the planning authorities approach to all other landowners who may wish to seek similar dispensation
	Equality Impact Assessment completed	No
	Climate Change	Not applicable

Consultations

8. Officers from the planning enforcement department have consulted with the Local Member and Legal department on several occasions regarding this particular issue. No other consultations have taken place.

Consultation with Children and Young People

9. No consultation with children or young people has taken place.

Effect on Strategic Aims

We are committed to being a listening council, providing first class services accessible to all by:

- listening to and engaging with our local community
- working with voluntary organisations, Parish Councils and Cambridgeshire County Council to improve services through partnership
- making South Cambridgeshire District Council more open and accessible
- achieving improved customer satisfaction with our services
- ensuring that the Council demonstrates value for money in the way it works

Conclusions / Summary

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 vehicles and items from the land

Background Papers:

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

Planning Enforcement Notices E499 and PLAENF. 3837

Contact Officer: Charles Robert Swain – Principal Planning Enforcement Officer
Telephone: (01954) 713206

Appendix – 1

Land covered by Enforcement Notice no E499

Items found to be in breach of the Notice:

Horsebox – Vehicle index no D263 UDP
Single axle trailer unit – mobile office
Portable generator
Oil tank
Dismantled Nissan hut
Iveco Flat bed lorry – Vehicle index number M727 MNB
Small diesel dump truck
Horsebox trailer
JCB rear assembly unit
2nd generator
Cont'd:

Lorry back containing household & miscellaneous items

Land covered by Enforcement Notice no PLAENF 3837

Items found to be in breach of the Notice:

Twin axle car transport trailer – Indexed F522 RVN
Silver Mitsubishi Hatch – Vehicle index L511 YAM
Red Ford Mondeo estate – Vehicle index RAZ 9709
Dodge flat bed lorry – Vehicle index C160 RRT
Green Ford Mondeo – Vehicle index P742 EOB
White Maestro van – Vehicle index number L772 AMA
White Citroen Estate – Vehicle index number P425 SKK
Red LDC Convoy van – Vehicle Index number V415 HCE
Two plastic storage containers used for fuel – Currently empty
Seven disused chest freezers
Ford Transit mini bus – Vehicle index number E114 HRE
Silver VW – Vehicle index number T230NBH
Blue Ford Fiesta – Vehicle index number R361 UWA
White Ford Fiesta – Vehicle index number M213 JNH
Green Vauxhall Astra – Vehicle index number X689 XAT
White Fiat Van – Vehicle index number Y84 TLD
Silver Peugeot – Vehicle index number X414 LGD

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PLANNING ENFORCEMENT SUB-COMMITTEE

WEDNESDAY, 15 FEBRUARY 2012

DECISIONS

Set out below is a summary of the decisions taken at the Planning Enforcement Sub-Committee held on Wednesday, 15 February 2012. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Ian Senior.

1. COTTENHAM: RESIDUAL BREACHES AT SMITHY FEN

For Information Only: The Planning Enforcement Sub-Committee noted the position described in the agenda report and endorsed the steps taken both in response to the planning application being lodged and in order to brief residents.

2. WILLINGHAM: FORMATION OF UNAUTHORISED GYPSY / TRAVELLER SITE AT THE OAKS, MEADOW ROAD

The Planning Enforcement Sub-Committee resolved that committal proceedings be commenced in the High Court against the owners, occupiers, and any other individuals identified as being in contempt of court through commissioning, allowing or encouraging the unauthorised development of the land at The Oaks, Willingham, as described in the agenda report, in breach of the Injunction made on 20 December 2007 by Mr Justice Mackay.

3. STAPLEFORD: BREACH OF ENFORCEMENT NOTICES ON LAND ADJACENT TO HILL TREES, BABRAHAM ROAD

The Planning Enforcement Sub Committee

- (a) Authorised direct action to remove all unauthorised items in breach of Enforcement Notice E499.
- (b) Authorised direct action to remove all unauthorised items in breach of Enforcement Notice PLAENF. 3837