



REPORT TO: Planning Committee
LEAD OFFICER: Planning and New Communities Director

1 October 2014

Enforcement Report

Purpose

- To inform Members about planning enforcement cases, as at 15th September 2014. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

Period	Cases Received	Cases Closed
1 st Qtr. (Jan – March) 2014	118	99
2 nd Qtr. (April – June) 2014	115	102
3 rd Qtr. (July – Sept) 2014	*	*
4 th Qtr. (Oct – Dec) 2014	*	*
July 2014	59	59
August 2014	33	24
2014 YTD	325	284
1st Qtr. (Jan – March) 2013	109	133
2nd Qtr. (April – June) 2013	147	157
3rd Qtr. (July – Sept) 2013	145	155
4 th Qtr. (Oct – Dec) 2012	110	127
2013 YTD	511	572

Enforcement Cases on hand:

3. Target 100
4. Actual 102

Notices Served

Type of Notice	Period	Year to date
	August 2014	2014
Enforcement	0	12
Stop Notice	0	0
Temporary Stop Notice	0	1
Breach of Condition	0	0
S215 – Amenity Notice	0	2
Planning Contravention Notice	0	3
Injunctions	0	0
High Hedge Remedial Notice	0	0

Notices issued since the last Committee Report (None)

6. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
7. Full details of enforcement cases can be found on the Councils Web-site

Updates on items that are of particular note

8. Updates are as follows:

a. Stapleford: Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road.

Work still in progress regarding legal action relating to the current breach of enforcement. Additional concern noted since the March report regarding the stationing of a mobile home on the nursery land section and the importation of brick rubble to form a track to link the upper field to the main residence. Assessment to the Planning Contravention response and the site inspection 10th May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. A report to the planning committee was prepared and submitted. The Committee authorised officers to apply to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307

The Injunction statement has now been considered by Counsel with further information being requested in order that the Injunction application can be submitted. Information is currently being collated in order to prepare a further report to submit to the Planning Committee.

Report prepared and formed part of the May Planning Committee Agenda. The Committee resolved to give officers the authority sought in paragraph 8 of the report from the Planning and New Communities Director for the reasons set out in paragraphs 9, 10 and 11. Further inspection of the land carried out, Statements under Legal consideration

b. 1-6 Pine Lane – Smithy Fen

Previously the subject of a planning consent resulting from an appeal decision 14th October 2003 under reference APP/W0530/C/03/1113679 The planning permission is no longer valid as the owners have failed to comply with their planning permission relating to conditions. Additionally a further permission granted at appeal for plots 4 & 5 Pine Lane 30th August 2012 under reference APP/W0530/A/12/2170121 has also lapsed due to planning conditions contained in the appeal decision not being complied with/met. A planning application for plots 4/5 has been submitted but not validated. An application for the remaining plots in Pine Lane, 1, 2, 3 & 6 is in the process of being submitted.

Valid planning applications relating to plots 1-6 inclusive have not been received as requested therefore a file has been submitted to legal requesting the issue of a planning enforcement notice. Notices have now been issued and are effective from 21st March 2014

Planning enforcement notice issued relating to plots 1 to 5 inclusive. Plot no6 is currently empty and not in breach of planning control. Planning application covering plots 1 to 5 inclusive subsequently submitted and validated. Planning Reference no S/0638/14 refers. Application referred to Planning Committee – Application considered by the Committee and refused contrary to officer recommendation within the report. A letter issued to owner/occupiers including a copy of the Planning decision notice and enforcement notice issued to Plots 1 to 5 Pine Lane instructing them to vacate the land as set out in the enforcement notice - Informed by the Planning Inspectorate (PINS) that an appeal has been submitted and is waiting validation and start date.

c. Buckingham Business Park, Swavesey

Complaint received regarding the stationing of buses belonging to Sun Fun Travel on land adjacent to the business park without the benefit of planning. Retrospective planning application submitted under reference no S/0065/14/FL– Outstanding items submitted, application now validated – Planning application with external planning consultants – Planning application considered, The Council refused permission for use of land for parking of double decker buses / coaches and the laying of surfacing, erection of metal fencing and a gate (Part Retention) 17th September 2014. Next steps to be considered

d. Land North West of Cambridge Road, Wimpole

Without planning permission, the change of use of the affected land for the stationing and residential occupation of a mobile home Planning application submitted and validated. Planning enforcement notice issued, effective 30th April 2014 unless an appeal is made against it beforehand. Appeal against the

enforcement notice submitted Waiting for start date. Planning application S/0583/14 delegated refusal. Planning appeal hearing to be held 2nd December 2014

e. Pear Tree Public House, High Street Hildersham

Complaint received regarding the reported change of use of the premises to residential without the benefit of planning. Investigation carried out; however the results did not reveal any breaches of planning control at this time. Situation continues to be monitored

Summary

9. As previously reported Year to date 2013 revealed that the overall number of cases investigated by the team totalled 511 cases which was an 11.8% increase when compared to the same period in 2012. Although the total number of cases YTD 2014 totals 325 cases which when compared to the same period in 2013 is a 11.2% reduction the August period totalled 33 cases, which was a 38% decrease over the same period in 2013. The main reason for this is that for 76% of the time only one officer was available to conduct investigations due to holidays.
10. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation, including Environment Health, Planning, Housing, Anti-Social behaviour Officers, Vulnerable Adults and Safeguarding Children Teams.
11. The number of enforcement officer posts within the team remains at two members of staff following the end of a fixed term position. The ability, therefore, to provide an effective proactive enforcement service continues to be a challenge. The situation continues to be monitored.

Effect on Strategic Aims

12. This report is helping the Council to deliver an effective enforcement service by

Engaging with residents, parishes and businesses to ensure it delivers first class services and value for money

Ensuring that it continues to offer an outstanding quality of life for its residents

Background Papers:

The following background papers were used in the preparation of this report: None

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