



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

1 July 2015

## Enforcement Report

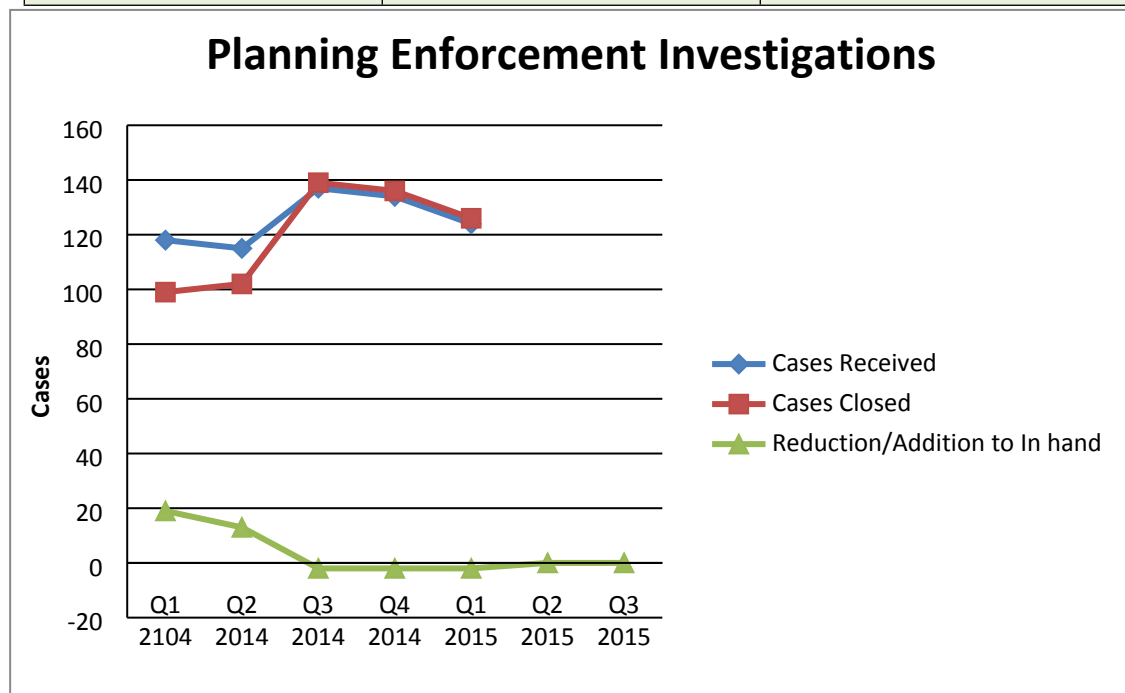
### Purpose

- To inform Members about planning enforcement cases, as at 17<sup>th</sup> June 2015  
 Summaries of recent enforcement notices are also reported, for information.

### Enforcement Cases Received and Closed

2.

Period	Cases Received	Cases Closed
1 <sup>st</sup> Qtr. 2015	124	126
April 2015	44	57
May 2015	47	39
June 2015	-	-
<b>2015 YTD</b>	<b>215</b>	<b>222</b>
<b>2014</b>	<b>504</b>	<b>476</b>



**Enforcement Cases on hand:**

3. Target 150
4. Actual 90

**Notices Served**

5.

Type of Notice	Period	Year to date
	May 2015	2015
Enforcement	1	6
Stop Notice	0	0
Temporary Stop Notice	1	2
Breach of Condition	6	13
S215 – Amenity Notice	0	1
Planning Contravention Notice	1	2
Injunctions	0	1
High Hedge Remedial Notice	1	1

**Notices issued since the last Committee Report**

6.

Ref. no.	Village	Address	Notice issued
PLAENF 1577	Landbeach	Maryland's Ely Road	Enforcement Notice
SCDC.0001/14/HH	Impington	Ashley House Highfield Road	High Hedge Remedial Notice
PLAENF 1629	Stow Cum Quy	Church View, Newmarket Road	Temporary Stop Notice
SCDC .002/15/PCN	Over	Riverview Farm Overbrook Road	Planning Contravention Notice
PLABOC.1625 PLABOC.1626 PLABOC.1627 PLABOC.1628 PLABOC.1628A PLABOC.1628B	Orchard Park	Arbury Camp/Kings Hedges Road	Breach of Conditions Notice

7. 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.

8. **Updates on items that are of particular note**

- 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 10<sup>th</sup> 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 draft statements supporting the proposed proceedings have now been considered by Counsel with further information and authorisations being requested in order that the Injunction application can be submitted.

In May 2014, Committee resolved to give officers the authority sought and further work on compiling supportive evidence undertaken since. Periodic inspections of the land have been carried out, most lately in April 2015 (confirming occupation has not ceased, and that breaches of control are continuing and consolidating). Statements accordingly being revised and finalised to reflect; injunction proceedings still appropriate and proportionate to pursue

### **b. 1-6 Pine Lane – Smithy Fen**

Previously the subject of a planning consent resulting from an appeal decision 14<sup>th</sup> 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 30<sup>th</sup> 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 21<sup>st</sup> March 2014

Planning enforcement notice issued relating to plots 1 to 5 inclusive. Plot no 6 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 validated. Appeal hearing 18th February 2015

Appeal decision issued 20<sup>th</sup> May 2015 under reference number APP/W0530/A/14/2223632. Appeal allowed subject to conditions. Application for award of costs refused. Conditions to be monitored for compliance

**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 permission. 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) 17<sup>th</sup> September 2014. Sun Fun Travel instructed to vacate the land as soon as possible but no longer than 30 days. Sun Fun Travel failed to comply which has resulted in a file being submitted to legal for the issue of an enforcement notice. Enforcement Notice Issued - Compliance period 1 Month – 10<sup>th</sup> March 2015. Enforcement Notice complied with and buses removed – Further planning application received and approved under planning reference S/0357/15 29<sup>th</sup> May 2015

**d. 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. Further report received from parish council, content of which investigated resulting in an out of hour's inspection. Planning breach identified as ground floor being used for residential purposes. Breach resolved, situation being monitored. No further information at this time. Planning application - Change of use of shop and ancillary residential use (use class A1), to a 4 Bedroom house. Planning reference S/0040/15 –Refused 27<sup>th</sup> February 2015. Appeal submitted waiting decision- Monitoring continues

**e. Plot 11, Orchard Drive – Smithy Fen**

Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018. The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.

**f. Land at Arbury Camp/Kings Hedges Road**

Failure to comply with planning conditions at land known as Parcel H1, B1 and G Under planning references S/0710/11, S/2370/01/O, S/2101/07/RM, 2379/01/O and S/1923/11  
Notices part complied, remaining items under review  
Further six breach of conditions notices issued relating to landscaping

**Summary**

10. As previously reported Year to date 2014 revealed that the overall number of cases investigated by the team totalled 504 cases which was a 1.37% decrease when compared to the same period in 2013. The total number of cases YTD 2015 totals

215 cases investigated which when compared to the same period in 2014 is a 19.4% increase in cases

11. 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. Strategic Officer Group, dealing with traveller related matters

**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

**Report Author:**            Charles Swain – Principal Planning Enforcement Officer  
Telephone:      (01954) 713206