



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

2 September 2015

Enforcement Report

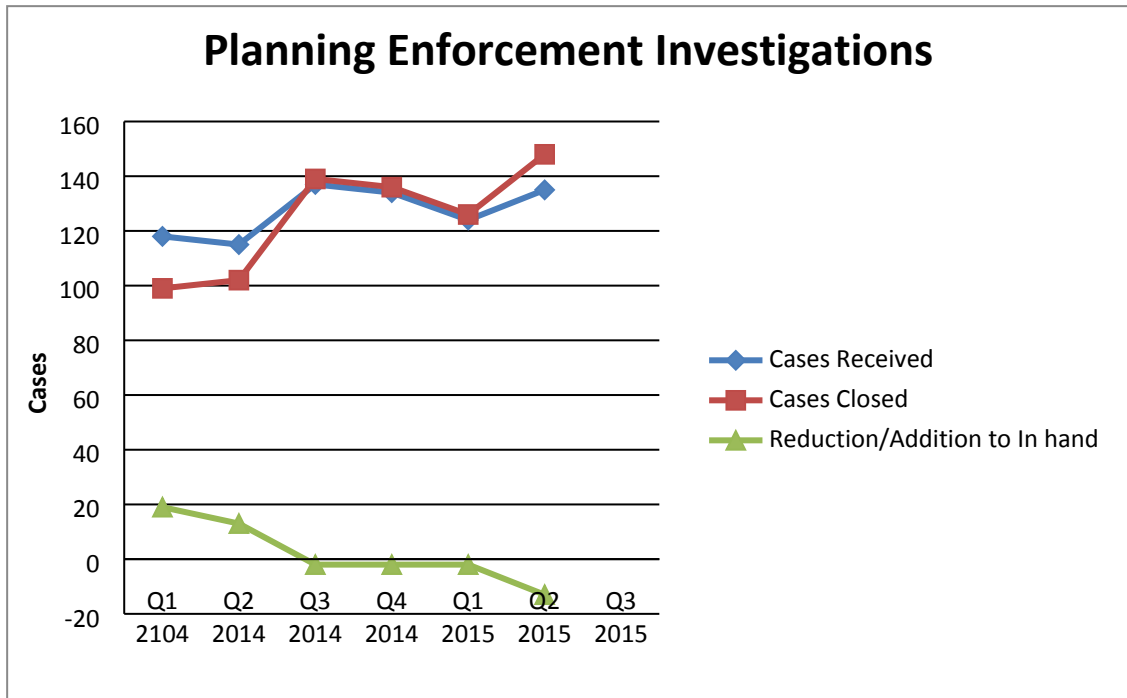
Purpose

1. To inform Members about planning enforcement cases, as at 20 August 2015. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

2.

Period	Cases Received	Cases Closed
1 st Qtr. 2015	124	126
2 nd Qtr.	135	148
July 2015	40	41
2015 YTD	299	315
2014	504	476



Enforcement Cases on hand:

3. Target 150
4. Actual 86

Notices Served

Type of Notice	Period	Year to date
	July 2015	2015
Enforcement	3	11
Stop Notice	0	0
Temporary Stop Notice	1	3
Breach of Condition	0	13
S215 – Amenity Notice	0	1
Planning Contravention Notice	0	3
Injunctions	0	1
High Hedge Remedial Notice	0	1

Notices issued since the last Committee Report

Ref. no.	Village	Address	Notice issued
PLAENF. 1660	Heydon	Ruboic – The Flint Newmarket Road	Temporary Stop Notice
PLAENF. 1663	Over	Riverview Farm	Enforcement Notice
PLAENF. 1660	Heydon	Ruboic – The Flint Newmarket Road	Enforcement Notice
PLAENF. 1671	Stapleford	34 Mingle Lane	Enforcement 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 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 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

A claim against the occupier of the land in which the Council is seeking a planning injunction has now been issued in the High Court. A Defence has since been lodged to the Council's proceedings, and an attempt is being made to issue Judicial Review proceedings challenging the resolution to seek an injunction.

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 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 20th 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. 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 27th February 2015. Planning Appeal submitted waiting decision- Monitoring continues

d. 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.

Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. Court date to be advised

e. 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
A Site inspection with local parish, landscaping, planning and representatives from persimmon homes has now taken place, and that appropriate steps are being taken to remedy the identified breaches of Conditions

f. North Hall Farm, Barley Road Heydon

A change in use (after conversion) of a single storey building to three self-contained residential units in occupation, or being made available for occupation as permanent dwellings A planning permission was granted in 2010 for the proposed change of use of the building then described as stables to holiday homes, subject to conditions The council considers the permission has lapsed. The case which was subsequently prosecuted and resulted in an appeal hearing at the Court of Appeal Criminal Division The Appellant's main ground of appeal was that the planning permission had the effect of allowing permanent residential use because 'holiday let' was not defined and condition 3 did not require compliance with the scheme. Further that under the use classes order, planning permission was not required to change from holiday let to residential use and that s.180 TCPA 1990 applied. She noted that pursuant to s.57 TCPA 1990, planning permission is required for development and the changing of any material use. The permitted use had been for farm offices not residential use. The Planning Inspector rejected the use as residential accommodation. Mrs, Justice Lang reading judgment on behalf of the Justices, dismissed the appeal
There was an order for costs of £3,500 in respect of Counsel's fees for the Appeal. In an order pursuant to the Proceeds of Crime Act 2002, the Judge noted the defendants' financial circumstances and ordered that they pay the total amount of gross benefit of £75,745.11 (rental income from units 3 & 4 for the dates of charge). £40,000 to be paid within 7 days (7.8.15); with the balance to be paid within two months (30.9.15) In summing up for sentencing the Judge noted that both defendants had pleaded guilty on 9 January 2015 for failing to comply with the enforcement notice pursuant to s.179 Town and Country Planning Act 1990 between 18 July 2009 and 18 March 2014. The defendants were fined £10,000 (£5,000 each) and total costs of £16,000 were awarded

g. 113b High Street Linton – Winners Chinese Take-Away

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19th February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3rd September 2015 Cambridge Magistrates Court

Summary

9. 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 299 cases investigated which when compared to the same period in 2014 is a 2.4% increase in cases
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. Strategic Officer Group, dealing with traveller related matters

Effect on Strategic Aims

11. 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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