



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

7 October 2015

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## Enforcement Report

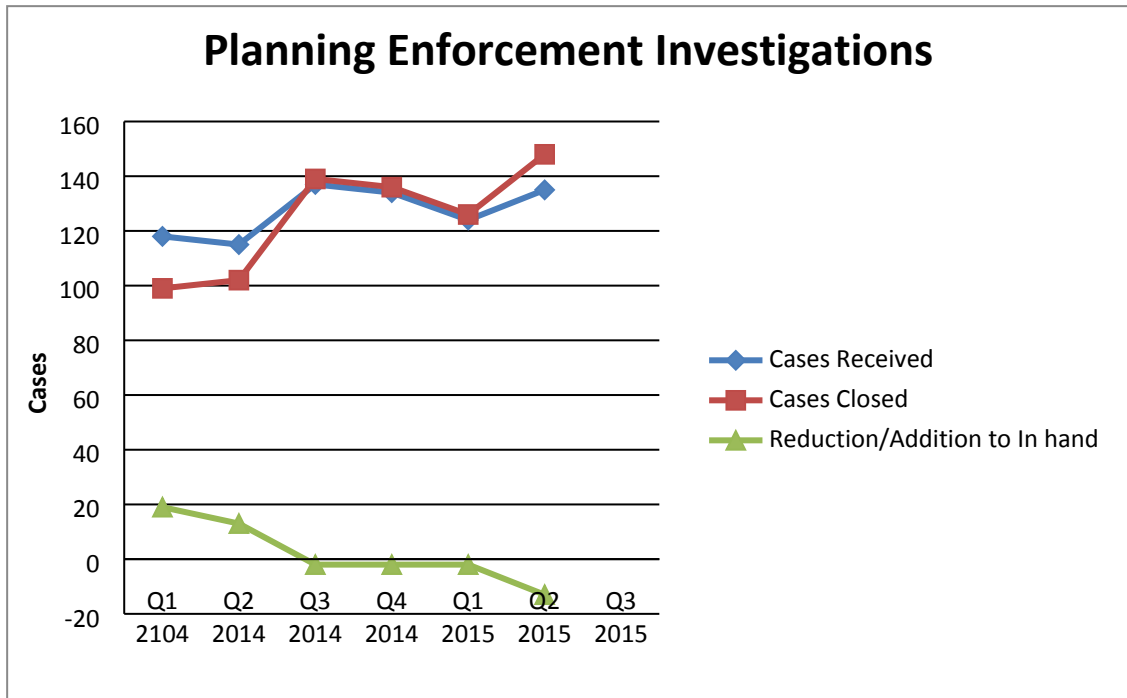
### Purpose

1. To inform Members about planning enforcement cases, as at 18 September 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
2 <sup>nd</sup> Qtr.	135	148
July 2015	40	41
August 2015	45	38
<b>2015 YTD</b>	<b>344</b>	<b>353</b>
<b>2014</b>	<b>504</b>	<b>476</b>



**Enforcement Cases on hand:**

- 3. Target 150
- 4. Actual 94

**Notices Served**

5.

Type of Notice	Period	Year to date
	August 2015	2015
Enforcement	1	12
Stop Notice	0	0
Temporary Stop Notice	0	3
Breach of Condition	0	13
S215 – Amenity Notice	1	2
Planning Contravention Notice	0	3
Injunctions	0	1
High Hedge Remedial Notice	0	1

## Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
PLAENF.1634	Teversham	8 Quy Waters New Market Road	Enforcement Notice
PLAENF.1692	Lt. Gransden	74 Main Road	Amenity 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  
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.

Following consideration of the documents lodged by the Claimant and Acknowledgement of service filed by the defendant, permission was refused; the

application was considered to be totally without merit. Order by Rhodri Price Lewis QC, sitting as a Deputy High Court Judge - Injunction application, has been listed for an initial hearing at the High Court on 24 September;

**b. 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. Planning Appeal submitted waiting decision – 25<sup>th</sup> August 2015 Appeal dismissed as the proposal would result in a reduction in the level of service provision in the local area

**c. 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

**d. 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

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

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19<sup>th</sup> February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3<sup>rd</sup> September 2015 Cambridge Magistrates Court – The defendant was found guilty and fined £1000.00p + costs. Works to be carried out to ensure compliance with approved drawings - Monitoring continues

**f. Sawston Football Club**

Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Site monitoring continues

**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 344 cases investigated which when compared to the same period in 2014 is a 5.8% increase in the number of cases investigated.
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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