



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

6 April 2016

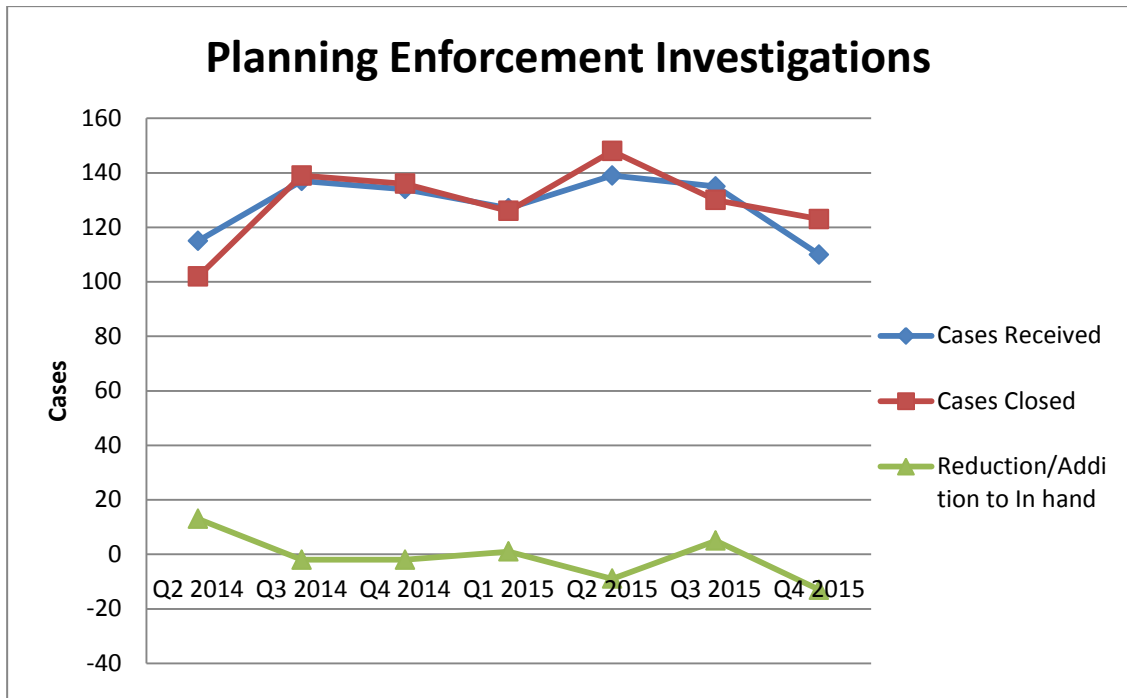
## Enforcement Report

### Purpose

- To inform Members about planning enforcement cases, as at 17<sup>th</sup> March 2016  
 Summaries of recent enforcement notices are also reported, for information.

### Enforcement Cases Received and Closed

Period	Cases Received	Cases Closed
January - 2016	43	41
February - 2016	45	42
1 <sup>st</sup> Qtr. 2015	127	126
2 <sup>nd</sup> Qtr. 2015	139	148
3 <sup>rd</sup> Qtr. 2015	135	130
4 <sup>th</sup> Qtr. 2015	110	123
<b>2015 YTD</b>	<b>511</b>	<b>527</b>
<b>2014</b>	<b>504</b>	<b>476</b>



**Enforcement Cases on hand:**

- 3. Target 150
- 4. Actual 83

**Notices Served**

5.

Type of Notice	Period	Year to date
	February 2016	2016
Enforcement	2	3
Stop Notice	0	0
Temporary Stop Notice	0	0
Breach of Condition	0	0
S215 – Amenity Notice	0	0
Planning Contravention Notice	0	0
Injunctions	0	0
High Hedge Remedial Notice	0	0

**Notices issued since the last Committee Report**

6.

Ref. no.	Village	Address	Notice issued
SCDC ENF009602	Shingay Cum Wendy	Monkfield Nutrition Sunavon	Enforcement Notice
SCDC ENF009256	Gt Abington	45 North Road	Enforcement Notice

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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; Hearing postponed due to the health of the defendant, hearing re-listed for 17 November 2015.

The Judicial Review application was rejected by Mr Justice Lindblom at the Court of Appeal. His Honour Mr Justice Park QC further dismissed an adjournment application made by the occupier of the land, and preceded with the Injunction hearing. The Order being sought was granted in full with an Order for the Councils costs to be paid. An Injunction now exists that restrains the occupier of the land

in respect of the unauthorised development at Hill trees represented by the commercial storage, car sales, and non-consented operational works that have occurred there. The injunction requires the defendant to i) cease by no later than 26<sup>th</sup> January 2016, the use of the land for any trade, business, commercial, industrial, storage or sales use (Including any use in connection with motor vehicles, their storage, sale or repair); ii) removes from the land, by no later than 26<sup>th</sup> January 2016, all vehicles, vehicle parts, plant machinery, equipment, materials, containers, mobile homes, caravans or trailers connected with uses described in (i); removes from the land, by no later than 26<sup>th</sup> January 2016, the material forming the roadway on the land. The time for filing an appellants notice to seek permission to appeal to the Court of Appeal is the 4<sup>th</sup> January 2016. The site will now be monitored for compliance.

An Appellant's Notice seeking to make an appeal against the injunction ordered on 17 November 2015 has been lodged with the Court of Appeal

25<sup>th</sup> January 2016 Rt. Hon. Lord Justice Lindblom on consideration of the Appellants notice and accompanying documents in respect of an application to appeal was refused, as being totally without merit.

An inspection of the land on the 26<sup>th</sup> January 2016 revealed that the unauthorised motor vehicles, trailers, caravans etc. had along with the unauthorised track been removed from the land as required by the Injunction.

The displaced vehicles have now been moved onto land at Little Abington owned by the occupier of Hill Trees and onto land adjacent to Hill Trees that belongs to Gonville and Caius College, Cambridge. Both parcels of land are the subject of extant enforcement notices. Currently advice has been sought through Counsel on the most effect route in dealing with this displacement and on balance it is felt that a High Court injunction, particularly given the recent successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches.

**b. 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. The Judicial review which was set for 29<sup>th</sup> October 2015 has taken place at the High Court of Justice, Queens Bench division, Planning Courts before The Honourable Mr Justice Lewis. The judgement was handed down on the 22<sup>nd</sup> January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant had lodged an application for permission to appeal but this was refused 25<sup>th</sup> January 2016. Notwithstanding the refusal of permission to appeal by the Planning Court at first instance, the claimant has now applied to the Court of Appeal for permission to appeal the Judicial Review outcome from January

**c. 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 – Works now underway to comply with the planning conditions previously identified.  
Further meeting with Officers and Persimmon Homes to take place in January 2016 to review progress

**d. 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 – Further Non-material application received relating to other works on site. The changes were considered to be material and therefore a variation of condition application has been submitted - S/0263/16/VC Monitoring continues

**e. 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. Application to discharge pre-commencement conditions received and subsequently approved for conditions 3, 4 and Boundary Treatment – Conditions, 6,7,14,22,23,25,26,27,28,29,30,31,32 and 33 have now also been discharged. Following an application for a Judicial Review regarding the stadium, the Judicial review has taken place at the High Court of Justice, Queens Bench division, Planning Courts. The judgement was handed down and reported on the 15th January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed.

**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 totalled 511 cases investigated which when compared to the same period in 2014 is a 1.4% increase in the number of cases investigated. The number of cases for February 2016 versus the same period in 2015 shows an overall increase of 4.6% and a year to date figure of 13.75% over the same period in 2015
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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