

CAMBOURNE TOWN COUNCIL

District of South Cambridgeshire

Planning Committee 22nd October 2019

Enforcement

To receive a report from the Town Clerk.

Attached is the report submitted that sets out the enforcement issues considered in the district and the results I was going to summarise the report, but thought it would be useful to see how they were dealt with.

Agenda Item 7



REPORT TO: Planning Committee

9 October 2019

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases as at 25 September 2019. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently at the end of August 2019, 98 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. 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.
4. Statistical data is contained in Appendices 1, and 2 to this report.

Updates to significant cases

5. Updates are as follows:

(a) **Cottenham - Smithy Fen:**

Work continues at Setchel Drove, following the placement of a number of static caravans on four plots in breach of the current planning consent and High Court Injunction applicable to each plot. Formal letters have been issued to those reported owners and occupants on Setchel Drove, covering the breaches of planning control and breach of the High Court Injunction - Copies of the Injunction and Housing leaflets, covering those that may be threatened with homelessness or eviction has been issued – Given the complexity and number of departments within the organisation that may be involved in any future action the Councils Tasking & Coordination group are facilitating a joint approach with Planning, Environmental Health, Housing, Benefits & Council Tax, and Legal.

Following a full survey of the site, including Needs assessments preparation was made for the issue of twenty two (22) Breach of Condition Notices

covering five plots in Water Lane, one plot in Orchard Drive, four plots in Pine Lane, three plots in Park Lane, and nine plots in Setchel Drove, who have been found to breach their planning permission.

A compliance inspection carried out after the 31 July 2017 confirmed that 54% of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons. Cambridge Magistrates Court are now currently processing the application for Summons. All cases have now been heard and where breaches were identified Cambridge Magistrates levied fines totalling £72,566.57p – A further inspection and survey of the site has now been carried out on the 26th June 2018 which revealed that 12 plots are currently in breach of planning control. Further prosecutions will now be considered /carried out in addition to two further breaches of Condition Notices issued and one prosecution in the High Court for breaching the current site Injunction. A further application to the High Court for an Injunction is to be made at the earliest opportunity. Barrister identified; detailed chronology compiled next steps agreed - Work in progress

(b) Whaddon – 9A Bridge Street

Without planning permission, the erection of a six-metre-high pole for CCTV equipment. Enforcement Notice SCD-ENF-094/17/A was issued with a compliance date of 25th November 2017 to remove the pole and CCTV equipment. The notice has not been complied with and a file was submitted to the Councils Legal office to issue a Summons. The date of the summons was set for 10am 15th March 2018 however the accused did not attend, and the Court issued a Warrant for his arrest. Case continues - No further information at this time – Legal office have liaised with the Court and have been informed that the Arrest Warrant is live and waiting to be executed by Police. Referred to Legal as Police have no current knowledge of the Warrant – No further details are available at this time. Councils Legal and Planning department to review next steps including Injunctive action to remove unauthorised Pole and CCTV camera. Report to be submitted to Planning Committee seeking approval for direct action – Costings now obtained, and it is proposed to take direct action for the removal of the unauthorised pole and cctv equipment

(c) Gothic House 220 High Street Cottenham

The property which is a grade 2 Listed building is unoccupied and in a serious state of disrepair which not only affects the fabric of the building but is also considered an immediate danger to the Public. A s215 Amenity Notice was issued in order to address the immediate concerns with a compliance date of 19 May 2018. Which due to circumstances was extended to 19th June 2018 An inspection carried out on the 21 June 2018 revealed that no works had commenced, and the situation remained outstanding. A prosecution file was raised and a date to attend Cambridge Magistrates Court was set for the 9th August 2018. The owners of the property appeared before the Court and admitted the charge and were fined £907.00p with costs totalling £150.00p and Victim surcharge of £90.00p the grand total being £1147.00p. Work has now commenced to comply with the s215 Notice – Report received regarding the

security of the main entrance door – Owner visited the property, building now secure. Monitoring continues.

(d) **73 High Street West Wrattling**

Following reports that the amenity of the above property including the main building which was a Public House known as the Lamb Inn and had been closed for many years a s215 Notice was issued to address the unacceptable amenity issue. The compliance period given was to complete the works by no later than 19th June 2018 however the building caught fire during the early hours of Friday 8 June 2018 before works had commenced and the building was destroyed leaving only the outer walls standing. The site has been fenced off to prevent access to unauthorised persons. The owners have submitted an application to demolish the building due to its condition and safety to the Public. Separate planning application to be submitted to develop the whole site Situation continues to be monitored. Further s215 Notice to be considered Information received that the Landowner has sadly passed away and the estate is currently being dealt with by the executors of the estate. The family have submitted a "Pre-Application" for planning advice regarding this property under reference PRE/0090/19 Situation to be monitored. The point of clarification previously requested by the case officer in relation to the site has now been provided and found to be acceptable. A planning application will now be submitted to the Planning department.

(e) **St. Neots Road, Hardwick**

A fire which took place several years ago and severely damaged the building on the site and although heavily screened by high hedging has remained unrepaired and a general eyesore to the neighbouring properties and the general Public passing the site. The owner of the land who has stated that he will demolish the building however the Neighbouring business unit has not given its authority for the National Grid to disconnect the live main gas supply which it shares with number 147 St Neots Road. Given the time that has elapsed and opportunity for the parties concerned to resolve the Gas termination to no 147 the Council is reviewing its powers under s79 in order that arrangements can be made with the relevant statutory undertakers for the disconnection of the gas supply, electricity and water as applicable, and the building demolished. The gas governor was due to be disconnected by the end of September 2018 however the company carrying out the work was again refused access and turned away. Local Parish informed of current impasse. Work continues to resolve access issues. Possible April 2019 date was given to resolve however work still not commenced. Case review to be carried out regarding next steps. The owners of the land are still waiting for a date from Cadent/Triio for the gas works on site and are actively chasing them for a date to carry out the work. It is understood that insurance details prior to commencement have been requested and once received and satisfactory work will commence. Report received that permission has still not been given in respect of the gas diversion works and that the window of opportunity may have been missed with works now likely to commence next March 2020 subject to authorisation being obtained.

(f) **19 Bandon Road Girton**

Not built in accordance with approved drawings relating to visibility splays
Breach of Condition Notice issued 22 February 2018 with 28-day compliance period. Despite compliance discussions with the builder works still not carried out. Prosecution file has been raised, waiting issue of summons, still with legal
Legal case officer now allocated waiting for further information as to timings

(g) **14 Church End Rampton – Grade2 Listed Building**

The above property is a thatched cottage that has fallen into disrepair, in particular the thatch and woodwork. The owners have failed to engage with the Council and as a result an Amenity Notice s215 was served on the owners 11th October 2018 to carry out urgent repairs to the building. The compliance date was 6 months in order to allow specialist contractors to carry out the work. The owners have decided to challenge the Council which is their right and their appeal will be heard at Cambridge Magistrates Court on the 10th January 2019. The owner attended the Court but was unrepresented or in a position to make his appeal therefore in the circumstances the Court adjourned the case until the 8th May 2019. Due to the owners age it was agreed that we would assist the Court and the owner by preparing the evidence bundles.

The appeal was heard on the 8th May 2019 and was based on the notice being unlawful and if it wasn't then the compliance period of 6 months was insufficient to arrange for the works to be carried out? Having listened to the evidence from both sides the Court upheld the notice as lawful but decided to allow the appellant more time to arrange for the works to be undertaken. The compliance period is now 18 months from the date of the appeal hearing i.e. 8th November 2020

(h) **Burwash Manor Farm**

Without planning permission, the erection of children's play equipment within land designated as Green Belt. A retrospective planning application, reference S/3494/18/FL had been refused. The size, scale and height of the development is contrary to paragraph 144 of the National Planning Policy Framework (NPPF) 2019. The enforcement notice issued requires the owners to cease the use of the play equipment specifically the adventure tower and remove the play equipment from the land. The compliance period is one (1) month from the date it takes effect on the 21 May 2019 – A Planning Appeal has been submitted to the Inspectorate on the 20th May 2019 – Date to be advised

(i) **Cottage Nursery, Cardinals Green, Horseheath**

Without planning permission (Advert Consent) displaying advertising signs measuring 6ft x 4ft for Cardinal Barns Kitchen and Blooms @ the Barn. On the junction of Howards Lane and the A1307 and a further smaller sign at the entrance to the nursery advertising Caravan Site which is approximately 1 metre square. Although the owner of Cottage Nursery was informed of the breach and asked to remove them by the 14 March 2019. The owner of the site failed to remove the signs and when interviewed under caution stated that "Do what you want I am not going to remove them" As a result of a criminal offence being committed by displaying unauthorised signs a prosecution file has been raised.

Investigation summary

- 6 Enforcement Investigations for August 2019 reflect a 61.9% increase in the number of cases investigated when compared to the same period in 2018. Sixty-eight (68) cases in total for the August period versus forty-two (42) cases in 2018

The year to date comparison 2019 versus 2018 revealed a 6.9% reduction or 31 cases less for the same period.

A review of the sixty-five (65) cases closed in August 2019 revealed that 28 cases were found not to be in breach of planning control or were permitted development, 11 cases complied, and 4 cases were not expedient to enforce. The remaining 22 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited, awaiting further instruction and retrospective planning applications submitted.

It should be noted that whilst investigations carried so far this year are less than 2018, they exceed the 2017 results for the same period – Plus 31 cases or 6.9%

Improvements in guidance to the Public relating to permitted development via the Councils website and the Government's Planning Portal, have seen a reduction in cases being reported.

Effect on Strategic Aims

- 7.. South Cambridgeshire District Council delivers value for money by engaging with residents, parishes and businesses. By providing an effective Enforcement service, the Council continues to provide its residents with an excellent quality of life.

Background Papers:

The following background papers were used in the preparation of this report:

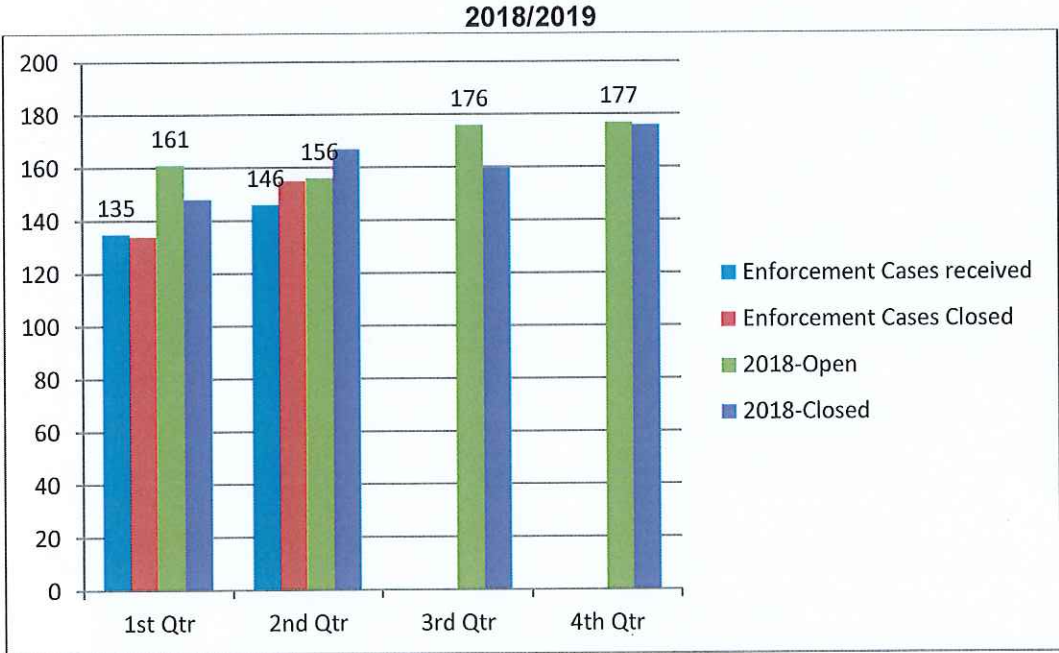
- **Appendices 1 and 2**

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Enforcement Cases Received and Closed

Month – 2019	Received	Closed
July 2019	68	56
August 2019	68	65
September 2019	-	-
1 st Qtr. 2019	135	134
2 nd Qtr. 2019	146	155
1 st Qtr. 2018	161	148
2 nd Qtr. 2018	156	167
3 rd Qtr. 2018	176	160
4 th Qtr. 2018	177	176
1 st Qtr. 2017	122	122
2 nd Qtr. 2017	157	165
3 rd Qtr. 2017	148	118
4 th Qtr. 2017	175	158
2019 - YTD	417	410
2018 - YTD	670	651
2017 - YTD	602	563
2016 - YTD	565	563
2015 - YTD	511	527
2014 -YTD	504	476



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Appendix 2

Notices Served and Issued

1. Notices Served

Type of Notice	Period	Calendar Year to date
	August 2019	2019
Enforcement	0	3
Stop Notice	0	0
Temporary Stop Notice	0	1
Breach of Condition	2	15
S215 – Amenity Notice	0	2
Planning Contravention Notice	0	2
Injunctions	0	1
High Hedge Remedial Notice	0	1

2. Notices served since the previous report

Ref. no.	Village	Address	Notice issued
SCD-ENF-0263/19 Failure to comply with Condition 2 Ref S/4642/18/FL Not built in accordance with approved drawings	Comberton	10 Woottens Close	Breach of Condition Notice
SCD-ENF-0192/19 Failure to comply with Condition 2 Ref S/39095/18/FL Garage Not constructed in accordance with approved plans	Willingham	132 Rampton Road	Breach of Condition Notice

3. Case Information

Thirty-Five (35) of the sixty-eight (68) cases opened during August were closed within the same period which represents a 51.5% closure rate.

A breakdown of the cases investigated during August is as follows

Low priority - Development that may cause some harm but could be made acceptable by way of conditions e.g. Control on hours of use, parking etc. Three (3) cases were investigated.

Medium Priority -Activities that cause harm (e.g. adverse affects on residential amenity and conservation areas, breaches of conditions) Fifty-nine (59) cases were investigated.

High Priority (works which are irreversible or irreplaceable (e.g. damage to, or loss of, listed buildings and protected trees, where highways issues could endanger life) Six (6) cases were investigated.

The enquiries received by enforcement during the August period are broken down by case category as follows.

Adverts	x 07
Amenity	x 02
Breach of Condition	x 28
Breach of Planning Control	x 02
Built in Accordance	x 05
Change of Use	x 05
Conservation	x 00
High Hedge	x 00
Conditions	x 00
Listed Building	x 05
Other	x 08
Unauthorised Development	x 03
Unauthorised Demolition	x 00
Permitted Development	x 03
Monitoring	x 00
<u>Total Cases reported</u>	<u>68</u>