

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Update of Planning Enforcement Cases</b>	
<b>Report No:</b>	<b>DEV/SE/15/049</b>	
<b>Report to and date:</b>	<b>Development Control Committee</b>	6 August 2015
<b>Portfolio holder:</b>	Cllr Alaric Pugh Portfolio Holder for Planning and Growth <b>Tel: 07930460899</b> <b>Email:</b> alaric.pugh@stedsbc.gov.uk	
<b>Lead officer:</b>	Andrew Smith Principal Enforcement Officer <b>Tel:</b> 01638 719734 <b>Email:</b> andrew.m.smith@westsuffolk.gov.uk	
<b>Purpose of report:</b>	To update members on two formal enforcement cases.	
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that Members note the following:</b></p> <p><b>(1) Case update on The Birches, Glassfield Road, Bardwell; and</b></p> <p><b>(2) Case update on Land North of Linden Bungalow, Station Road, Barnham</b></p>	

<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
		(a) A "key decision" means an executive decision which, with regard to any guidance from the Secretary of State, is likely:- (i) To result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or (ii) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough. (b) Pending any further guidance from the Secretary of State, a decision which results in expenditure or savings of more than £50,000 will normally be considered as a key decision. (c) Wherever practicable, a decision which has a significant impact on people living or working in a single Ward will be treated as a key decision. (d) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.	
<b>Consultation:</b>		<ul style="list-style-type: none"> <li>None required for this report</li> </ul>	
<b>Alternative option(s):</b>		<ul style="list-style-type: none"> <li>N/A</li> </ul>	
<b>Implications:</b>			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Information report only			

<b>Ward(s) affected:</b>	Bardwell
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	None
<b>Documents attached:</b>	None

## **1. Key issues and reasons for recommendation**

### **1.1 Background**

1.1.1 The purpose of this report is to give the Committee an update on two ongoing formal enforcement cases where there is a public interest.

### **2. Case update-The Birches, Glassfield Road, Bardwell**

2.1 A further update is provided due to the complex and controversial nature of this breach. Members will recall that injunctive action was taken in respect of the unauthorised siting of caravans and works at the site over and above that which had been approved.

2.2 The injunction was granted (noting the very significant visual harm arising from the unauthorised development) which sought to rectify the breaches, including the creation of additional pitches, the siting of additional touring and static caravans, as well as the parking of a materially significant number of additional vehicles.

2.3 Various subsequent site inspections were carried out. They revealed that some aspects of the injunction had been complied with, albeit breaches of the injunction remained despite repeated requests to the site owners to comply.

2.4 On 24 July 2015, the Council took their application for committal proceedings to the High Court. During this hearing, the Council argued that a number of the requirements of the original injunction had not been complied with; 13 in total. After a lengthy debate and various legal arguments, the defendant accepted that the order remained to be complied with in full and the High Court found all 13 allegations of contempt of court to be upheld.

2.5 At the end of the hearing, the defendant agreed that she would be amicable to agreeing a set of undertakings which would need to be complied with to ensure a custodial sentence was not imposed.

2.6 On 25 July 2015 a further visit to the site was made by Officers and this visit formed the basis of the new undertakings that the defendant must now comply with her sentence (4 months imprisonment) is suspended subject to these undertakings.

2.7 A further visit is required in the first week of August 2015 to ensure the court agreed undertakings have been fully complied with. In addition significant costs were awarded to the Council

**3. Case update on Land North of Linden Bungalow, Station Road, Barnham**

- 3.1 Members may be aware that an Enforcement Notice was issued on the 5 August 2014 addressing breaches of planning control at this site. Amongst other things, the notice alleged the change of use of land for the siting of residential caravans and associated domestic paraphernalia.
- 3.2 The notice required the cessation of the residential use and removal of all items brought onto the land to support the use. This was appealed and subject to a public inquiry. The Planning Inspector subsequently dismissed the appeal and, subject to minor variation and corrections, determined that the appellants now have 12 months during which to comply with the notice.
- 3.3 Both parties made an application for an award in costs. This was found in favour of the Council.