

**ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE**

(Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

**27 Babraham Road, Cambridge CB2 0RB, otherwise known as "the Land"**

(shown edged red on the attached plan)

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

**The material change of use of the area of the Land marked with green hatching on the attached plan of 27 Babraham Road, Cambridge to a B1 business use.**

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development in the form of a material change of use without the benefit of planning permission.

The intensification of the B1 business use at the C3 Dwellinghouse has resulted in a material change of use which has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities.

The unauthorised development in question is contrary to development plan policies 3/4 Responding to context, 3/10 Sub-division of existing plots, 4/13 Pollution and Amenity and 7/2 Selective Management of the Economy because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality. Mindful of these Development Plan policies and all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

**5. WHAT YOU ARE REQUIRED TO DO**

1. Cease the use of the area of the Land hatched in green on the attached plan for any use associated with any retail, catering or ice cream business, including uses associated with the preparation, production and storage of any food, beverage or catering products which will be for sale to the public.

2. Cease the use of the refrigeration unit on the Land for the storage of any food, beverage or catering products which will be for sale to the public.

3. Cease the use of the area of the Land hatched in red on the attached plan for the storage of any commercial or catering vehicles other than the two ice cream vans permitted by conditions 1 and 2 of planning reference C/97/0695.

**6. PERIOD FOR COMPLIANCE**

**56 days** after this notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the **08 April 2013**

unless an appeal is made against it beforehand.

Signed .....  
Council's Authorised Officer

Dated: **08 March 2013**

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

**Annex**

**YOUR RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against this notice. Please see the enclosed information sheet from the Planning Inspectorate which tells you how to make an appeal. If you decide to make an appeal, you must ensure you send your appeal so that it will be received or posted/emailed in time to be received by the Secretary of State (at the Planning Inspectorate) before the effective date specified in paragraph 7 of this notice.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 above. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.