

DRAFT

Agenda Item \_\_\_\_\_

CAMBRIDGE CITY COUNCIL

---

REPORT OF: Head of Planning Services

TO: Main Planning Committee    DATE:

WARDS: All

---

**PLANNING ENFORCEMENT CONTROL – PLANNING CONTRAVENTION  
REPORT**

---

**4/4A Laburnum Close, Cambridge.**

**Without planning permission, the erection of a residential mobile home on  
garden land.**

---

**1. INTRODUCTION:**

Site: 4/4A Laburnum Close, Cambridge

Alleged Breach: Without planning permission the creation of a separate residential planning unit and the stationing of a caravan for permanent residential use.

Owner/Occupier: Mr T Frostick

Purpose of Report: To consider whether it is expedient to initiate formal enforcement action in respect of the alleged breach of planning control.

**2. PLANNING HISTORY:**

86/0518	Erection of a two-storey extension	A/C
88/0130	Outline application for a bungalow	Refused
88/0705	Bungalow for elderly relative	Refused
88/1150	Mobile home for dependent relative for three years	Refused
89/0865	Single storey rear extension to form annexe	A/C
91/0611	Erection of a bungalow	Refused: appeal dismissed
01/0089	Erection of a dwelling	Refused
04/1052	Erection of a demountable building	-Never made valid
05/0300	Erection of a demountable building	Approved with conditions
08/1421	Erection of a single-storey dwelling	Refused: appeal dismissed
09/1172/S73-	Vary condition 1 of planning permission 05/0300/FUL (the building hereby permitted shall be removed (from the site) and the land restored to its former condition in accordance with a scheme of works submitted to and approved by the local planning authority, on or before the date five years from the date of this permission, or the date	

six months after Levi Frostick ceases full-time education, whichever is the later). Refused

### **3.0 BACKGROUND**

3.1 The site is located in an established residential cul-de-sac of 8 semi-detached dwellings in moderately large plots off Elizabeth Way. The site now known on land registry as 4A Laburnum Close has been created by the subdivision of the curtilage of 4 Laburnum Close. The residual curtilage of 4 Laburnum Close abuts the site to the north and north-west. The entire site adjoins the former Chesterton Hospital site (from which it is screened by a tall conifer hedge) to the south-east, and the residential property of 5 Laburnum Close to the south. The entrance to the site from Laburnum Close is to the west.

3.2 The site of 4A Laburnum Close is separated from the curtilage of 4 Laburnum Close by a 1.8m close-boarded timber fence, with double gates of the same height and material forming the entrance. There are currently two mobile homes within the site. One has been subject to a previous enforcement notice and the second is the focus of this report.

3.3 In February 2003 an enforcement notice was served on one of the mobile homes which should have been complied with by April 2003. The notice required the caravan (which at the time was the only one present on the site) to cease being used as habitable accommodation and also to remove the fence, which divided the garden of No. 4 Laburnum Close. This notice has not been fully complied with to date as the fence remains in place, physically separating the planning unit. A copy of this notice is attached as Appendix A.

3.4 Permission was granted on 3rd May 2005 under reference 05/0300/FUL for the erection of a demountable building for residential use. A condition was attached to this permission requiring that the building be removed within five years from the date of that permission, or within six months of the present applicant's leaving full-time education, whichever is the sooner.

3.5 There is no evidence of the building permitted under 05/0300/FUL was ever erected and therefore the permission was not been implemented. The Council was mindful that this permission could be implemented up until 2010.

3.6 Since April 2003 the Local Authority has used its discretion in relation to this site in order to not bring any undue hardship upon the occupant and his son. Planning enforcement action was therefore delayed until such time as either the permission granted under reference 05/0300/FUL had expired or until the owners son left full time education.

3.7 In 2009, following the refusal of a planning application to vary condition 1 of planning permission 05/0300/FUL, officers were requested to commence negotiations with the occupant. As part of these negotiations a meeting was held on 28 May 2010.

3.8 The meeting of May 2010 was attended by Simon Payne, (Director of Environment), Simon Hunt (Housing Options and Advice Team Leader), Alison

Twyford (Senior Planning Enforcement Officer), Mr Frostick (the occupant) and Peter Brady (Mr Frostick's representative).

3.9 During the meeting Mr Frostick was advised that an application to join the Housing Register could be made and relevant application forms were provided to him. A brief description of the process was given to all parties by Simon Payne and Simon Hunt, and Mr Frostick indicated that he intended to complete the application form provided for assessment by the housing department.

Mr Frostick was advised that, should the application be made and his family be placed on the housing register, that the Local Authority may offer a small period for alternative accommodation to be found before pursuing further formal enforcement action. Mr Frostick was advised that he must be perceived to be positively engaging with housing officers for further discretion to be given.

On 11<sup>th</sup> of November 2010 an application form to join the housing register was completed following a home visit by Housing officers which was arranged by Planning Enforcement Officers.

3.10 On the 20<sup>th</sup> August 2010 an additional caravan was brought onto the site, now labelled "4A" and a site visit was undertaken. Officers were advised that the new caravan was intended to replace the previous caravan that Mr Frostick and his son had been living in, as the existing caravan was no longer habitable. Mr Frostick was advised that there was an existing enforcement notice on the site, which required that the existing mobile home should not be used as a separate residential unit. Mr

Frostick advised that the old caravan would be removed and this one would replace it for a temporary period. Neither of the caravans have been removed from the site however.

3.11 To date there are no signs that the occupants intend to leave the site. The garden remains separated by a fence (which was required to be removed by the first enforcement notice.) In addition, a satellite dish has been installed on the fence, which also requires planning permission.

3.12 Housing officers have advised that the occupant has not placed any bids on any properties since making the original application.

#### **4.0 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

4.1 Planning Policy Guidance 18: Enforcing Planning Control states that a local planning authority may issue an enforcement notice where it appears to them that there has been a breach of planning control and it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

4.2 In order to issue an enforcement notice there must be sound planning reasons to justify taking such action.

4.3 The unauthorised development in question would be contrary to development plan policy, because the retention of a building on the site would be detrimental to the residential amenity of neighbouring occupiers, poorly integrated into the locality, and inappropriate in its context, and would fail to respond positively to improving the character and quality of the area and the way it functions. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/10)

4.4 If one were to consider the new caravan on planning grounds it would not be supported for the following reasons:

The development fails to incorporate adequate vehicular access arrangements which would result in unacceptable harm to the residential amenity of the occupiers of 4 Laburnum Close from vehicle noise, lights and movement, contrary to policy 3/10 of the Cambridge Local Plan (2006). For this reason the proposal would also involve poor relationships between buildings, routes and spaces, and be poorly integrated into the locality. The design would be inappropriate in its context, and would fail to take the opportunities available for improving the character and quality of the area and the way it functions. It would be contrary to policies 3/4 and 3/7 of the Cambridge Local Plan (2006) and to government guidance in Planning Policy Statement 1: Delivering Sustainable Development (2005).

The proposed development does not make appropriate provision for public open space, or community development facilities, in accordance with policies 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, and Guidance for Interpretation and Implementation of Open Space Standards 2006.

## **5.0 RECOMMENDATIONS:**

It is recommended that the Head of Legal Services be authorised to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for without planning permission the creation of a separate residential planning unit and the stationing of a caravan for permanent residential use.

### Steps to Comply:

To remove the residential caravan that was brought onto site on 20/08/10 permanently from the site and return the land to its former use as domestic garden land.

### Period for Compliance:

6 months

## Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development without compliance with planning conditions.

Mindful of the advice contained in DoE Circular 10/97 and Planning Policy Guidance Note 18 and to the development plan policies mentioned above and to all other material considerations, the Council consider it expedient to serve enforcement notices in order to remedy the clear breaches of planning control.

Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that enforcement notices in this case would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

## **6. IMPLICATIONS**

### **(a) Financial Implications - None**



- (b) **Staffing Implications** (if not covered in Consultations Section)-  
**None**
- (c) **Equal Opportunities Implications-None**
- (d) **Environmental Implications- None**
- (e) **Community Safety-None**

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

P700/C – 4812- 4/4A Laburnum Close

To inspect these documents contact Alison Twyford on extension (45)7163

The author and contact officer for queries on the report is Alison Twyford on extension (45)7163.

Report file:

Date originated: 30 January 2012  
Date of last revision: 30 January 2012