

Cambridge City Council

ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE

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

IMPORTANT NOTICE – THIS COMMUNICATION AFFECTS YOUR PROPERTY

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which is refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 136 Perne Road, Cambridge, Cambridgeshire, CB1 3NX (shown edged red on the attached plan).

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

Without planning permission the material change of use of a mobile home to a separate residential unit

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last four years. The applicant has undertaken development without the benefit of planning permission.

The creation of a separate residential building without planning permission is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights Act 2000 and to the Equalities Act 2010. In terms of human rights, officers have noted 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) as being relevant considerations. The Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

The Council consider that the service of an enforcement notice with a reasonable period for compliance is lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to protect the character of local street scenes

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

You must:

- (1) Cease the use of the mobile home as a separate residential unit
- (2) Remove the mobile home from the site

6. **TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

- (1) Eight months from the date this notice takes effect.
- (2) Eight months from the date this notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 31st October 2014 unless an appeal is made against it beforehand.

Date of issue: 2nd October 2014

Signed



(Authorised Officer)

On behalf of: Cambridge City Council

Dated: 2nd October 2014

ANNEX

CAMBRIDGE CITY COUNCIL has issued an enforcement notice relating to land at 136 Perne Road, Cambridge, Cambridgeshire, CB1 3NX and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

In exceptional circumstances you may give notice of appeal by letter or e-mail. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
PO Box 326
Bristol
BS99 7XF

Direct line: 0303 444 5000
Email: enquiries@pins.gsi.gov.uk

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may have been constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £385. You should pay the fee to Cambridge City Council.

If you decide to appeal, you should state in writing the grounds(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

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 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Persons served with a copy of this enforcement notice are as follows:

The Tenants of the caravan
The Tenants of the house
Mr Paul Sanderson