

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

SECTION 172 TOWN & COUNTRY PLANNING ACT 1990
(as amended by the Planning & Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (“the Council”)**

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 paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council considers it 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 it refers contain important additional information.

2. **THE LAND AFFECTED BY THIS NOTICE**

Land To The East Of Chear Fen Boat Club
Twentypence Road
Cottenham
Cambridgeshire
Shown with a red line on the attached plan

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

Material change of use of the land to residential use as 9 caravan pitches.

4. **REASONS FOR THIS NOTICE**

The alleged breach of planning control has occurred within the last 10 years.

The site is located outside of the development framework boundary of Cottenham. The development results in the encroachment into the open countryside and incremental growth in an unsustainable location. To access local services/facilities the future occupiers of the site will have to travel a significant distance via a car. The development represents encroachment of the open countryside, incremental growth in an unsustainable location and a need to travel, particularly by car. The development is therefore contrary to Policies S/3, S/7, H/22 & TI/2 of the South Cambridgeshire Local Plan 2018 and fails to comply with the provisions of the National Planning Policy Framework.

The development results in a significant urbanisation of the site in a rural setting. The urbanisation of this site fails to appropriately relate to its setting and significantly harms the character of the site and the wider surrounding area. Accordingly, and given the development is located outside of the development framework of Cottenham, the development contravenes Policies S/7, H22 & HQ/1 of the South Cambridgeshire Local Plan and fails to comply with the provisions of the National Planning Policy Framework and therefore allow a form of development that is not sustainable.

The development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF because it has not been demonstrated that the Mitchell Hill Quarry will not result in unacceptable amenity issues or

adverse impacts to human health for the occupiers or users of the development; dust and noise are of particular concern. In the absence of contrary evidence, the proposed development appears to be incompatible with the adjacent quarry.

In the absence of a statement demonstrating safeguarding of the Sand and Gravel Mineral Safeguarding Area, the development is contrary to Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021).

In the absence of submission of a biodiversity statement outlining the mitigation methods of the impact the development has upon the local wildlife or existing planting, the development is contrary to Policy NH/4 of the South Cambridgeshire Local Plan.

The land appears to be contaminated. In the absence of an assessment of the extent of contamination and any possible risks, the development is contrary to Policy SC/11 of the South Cambridgeshire Local Plan.

The development partly falls within Flood Zone 3. At present the flood risk of part of the site means the safety of people and ability of people to reach places of safety or access by emergency services is compromised, The development is therefore contrary to Policies CC/8 & CC/9 of the South Cambridgeshire Local Plan and Section 14 of the NPPF.

The development leads to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The vehicular movements associated with the use of the access in respect to stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use leads to conflict and interference with the passage of through vehicles to the detriment of the principle function and introduces a point of possible traffic conflict, being detrimental to highway safety. The development is therefore contrary with Policy TI/2 of the South Cambridgeshire Local Plan and Section 9 of the NPPF.

The Council considers there are no steps short of those required which can be taken to remedy the breach of planning control.

5. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land for residential use;
2. Remove all imported hardcore that facilitates the use of the land for residential use;
3. Remove all caravans, mobile homes and other structures; and
4. Restore the land to its previous condition.

6. TIME FOR COMPLIANCE

The steps set out in paragraph 5 above must be performed within 3 Months following the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7th October 2022 **unless an appeal is made against it beforehand.**

Signed:

SS Kelly

Joint Director of Planning and Economic Development for Cambridge and
South Cambridgeshire

(The Officer appointed for this purpose)
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA
(Address to which all communications are to be sent)

Dated: 9th September 2022

Nominated Officer: Mr Anthony Peter Wallis – Senior Planning Compliance Officer

Telephone Number: 01954 713610

Issued to:

The Owners
The Occupiers

Annexe

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be sent so that it is delivered by post or electronic transmission to the Secretary of State **before the date stated in paragraph 7** of this notice. **Please note that a separate appeal must be lodged for each individual person or organisation desiring to appeal.**

NOTE:

1. If you wish to appeal this notice on ground (a) (permission should be given for the use or operational development enforced against), this is the equivalent of applying for planning permission for the development alleged in the notice and there will be a deemed application fee payable to the Council equivalent to double the amount of the normal planning application fee, namely **£462** (making a total payable for the appeal of **£924**). The fee should be sent to the Council when any appeal is made and joint appellants need only pay one set of fees. Cheques should be made payable to "South Cambridgeshire District Council".
2. Copies of all relevant development plan policies are attached.

Under Section 174 of the Town & Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case maybe the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, 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;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that 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 any such breach;
- (g) that any period specified in the notice in accordance with section 173 (9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you

You may appeal on-line through the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or in paper by obtaining enforcement appeal forms from the Planning Inspectorate who may be contacted by telephoning 0117 3726372 or by email (enquiries@pins.gsi.gov.uk).

Copies of the Planning Inspectorate's booklet "Guide to Taking Part in Planning Enforcement Appeals" may be obtained free of charge from the same source or by request from South Cambridgeshire District Council.

If you decide to lodge an appeal one copy must be sent to the Secretary of State together with the spare copy of the Enforcement Notice enclosed. One copy should be sent to the South Cambridgeshire District Council with the deemed application fee and the final copy is for you to keep as a duplicate for your own records.

Please note that if you decide to appeal against this notice you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring you, a statement in writing specifying the grounds on which you are appealing against this notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

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 steps set out in paragraph 5, for which you may be held responsible, are taken within the period specified in paragraph 6. **Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council including by direct entry upon your property or by court injunction.**