

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**TO EACH MEMBER OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE**

06 December 2016

Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 7 December 2016**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached

**(i) Late Sheet**

**(ii) Replacement Enforcement Report. Please note that the original report was the incorrect version. Please, therefore, replace with the attached version.**

13. Late Sheet & Replacement Enforcement Report

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,  
Committee Services Officer  
email: [helen.bell@centralbedfordshire.gov.uk](mailto:helen.bell@centralbedfordshire.gov.uk)

**A  
B**

(i)  
(ii)

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**LATE SHEET**

**DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016**

***Item 6 (Pages 15-40) – CB/16/04121/REG3 – Silsoe Lower School, High Street, Silsoe, Bedford, MK45 4ES***

**Additional Consultation/Publicity Responses**

The Council's Conservation Officer has made the following comments:

The D&AS (Fisher German, August 2016) & the Heritage Statement/ Assessment EDP, August 2016) fully explain the proposals for demolition of the existing school buildings & redevelopment for residential development of 14 no. dwellings & associated works. The Heritage Assessment at 6.4- it should be noted that there is a CA Character Appraisal- 2004 which is relevant to the application site.

No objection to demolition of the school buildings- so long as reclaimable elements are thoughtfully recycled as part of a sustainable development re-use programme. They are not heritage assets of particular interest.

The application is in outline- so design related information is limited, other than the indicative layout- a staggered linear form, within the elongated rectangular site boundary, with access from High Street at the east end of the site. This is a logical arrangement of the buildings, given the site constraints. Although the site boundary is contiguous with the northern boundary of the conservation area- & therefore, to some degree, within the setting, any impact or possible harm is much limited (by the houses in gardens of The Oaks/ High Street), so long as the scale/ massing of the individual proposed buildings & landscape treatment is compatible with this part of the village.

**Additional Comments**

The reasons for reporting the application to the Development Management Committee should include that the Parish Council has objected and that it is a major application.

**Additional/Amended Conditions/Reasons**

***Item 7 (Pages 41-60) – CB/16/03048/FULL – Warehouse, Bonds Lane, Biggleswade, SG18 8AY***

**Additional Consultation/Publicity Responses**

Councillor Lawrence

Palace Street should not be used for access. 3 houses overlooking across Bonds Lane could instead overlook Palace Street and all traffic access be from Bonds Lane.

#### Highways Officer

As you are aware, given the historic industrial use of the site located in the town centre there is no fundamental highway objection to the principle of the development. I acknowledge that parking is limited to a single space per unit but I am conscious that there is public parking available in the vicinity and there are parking restriction on the highways in the immediate vicinity. Furthermore and of importance I reference a recent decision of the Planning Inspectorate that found the centre of Biggleswade to be a sustainable location where occupiers of properties would not be solely reliant on private transport. I am therefore prepared to concede that parking, fully compliant with standards may be difficult to defend at appeal, especially where there is a parking space per property provided.

I note that the applicant has agreed to provide improvements to the width of the pedestrian footway along the Bonds Lane frontage of the together with improvements at the junctions of Station Road/Bonds Lane and Bonds Lane/Palace Street. I note also that the vehicle access arrangements now indicate that Palace Street is to be used for access only with a new exit onto Bonds Lane. This arrangement overcomes the issue of restricted visibility for vehicles emerging onto Palace Street and with a condition requiring measures to prevent vehicles exiting onto Palace Street I am content that the increase in traffic on Palace Street will not be significant.

#### Economic Development

I would object to the proposal on the grounds that it is contrary to the adopted town centre masterplan. The masterplan states that:

6.8.1 The Bonds Lane and Foundry Lane areas are a prime opportunity to expand the retail offer of the town centre.

6.8.2 The area has the ability to provide a well connected extension to the town centre with a range of uses and a new public space. There is potential for up to circa 4,200 sqm of retail and commercial/ leisure uses through the development of five key sites with residential and office accommodation on upper floors

The proposed development (site referenced as Site 7 within Key Area 4) was previously used for commercial use. Whilst I support residential development in this area it must be delivered in tandem with opportunity for retail or commercial expansion as per paragraphs 6.8.1 and 6.8.2 above from the adopted masterplan. This could include residential accommodation upper levels and some provision of retail or typical town centres uses at a ground floor level.

There is very little evidence (other than the retail letter on the application) that the site had activity been marketed for commercial uses- or even non B employment land uses. Which given the Town centre location I would expect. Whilst I note the economic impact of housing and positive regeneration impacts, I would be concerned over the loss of commercial floorspace, with out clear demonstration of no market demand or viability for other uses, which I do not believe has been made.

In terms of the town centre, I would note that our records show that the level of vacant units in Biggleswade is at the lowest it has been since Feb 2013, and combined with our Market Town Regeneration Fund, demonstrate the commitment and need to ensure our centres remain vibrant with a range of uses.

#### Waste Officer

The Council's waste collection pattern for Biggleswade is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

The above waste allocation is for houses. These bins should be stored in back gardens with access to the highway on collection day therefore it is recommended that there is access between the back garden and the highway. Footpaths are narrow therefore bins may present an obstruction to pedestrians if they are left by the highway. Bins could be presented on collection day in the front yards on the granite sett surface but it is not clear if there are railings in front of the properties which would prevent this.

For flats, communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore we would provide 2 x 240 bins for each residual and recycling to be collected fortnightly. A dedicated bin store should be provided that is within 10m of the point of collection, providing there are suitable dropped kerbs. The existing drop kerb will be suitable for collection crews to move bins to the collection vehicle.

#### Third Party letters:

5 letters of objection received raising the following:

- 9 parking spaces not enough.
- Land should be used as a surgery or dentist.
- Local parking restrictions are not enforced.
- Town centre needs better retail units and parking.
- Palace Street too narrow for delivery vehicles and inappropriate for access..
- Gardens should be removed to provide more spaces.

One letter of support stating:

- Area is an eyesore and will be improved.
- Could encourage further redevelopment
- Will help towards meeting housing targets.

Adjacent Sea Cadets building commented advising that no contact been made from developer regarding party wall or access for demolition. No assurances given RE

parking and security and there is little confidence of developer engaging prior to work starting.

### **Additional Comments**

With reference to the comments relating to Economic Development. The concerns are noted and certainly the optimum use for the site would be a more mixed-use offering that would potentially be led by commercial floorspace. However consideration is given to the fact that the site has been vacant for a notable period it is unlikely that such a scheme is to come forward in what is a back of High Street location. The NPPF explicitly states that housing developments aid the vitality of town centres and the individual merits of this case show that the development would be an enhancement to the area and would make a contribution to the regeneration of this town centre area, potentially encouraging future proposals at other sites. It is not considered that there are justifiable policy reasons to refuse the application on the grounds of seeking mixed use or commercial development on the site.

### **Additional/Amended Conditions/Reasons**

1. No dwelling shall be occupied until the junction of the proposed vehicular access arrangements from Palace Street and vehicle exit onto Bonds Lane have been constructed in accordance with the approved details shown on drawing number PL10E

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Section 4, NPPF)

2. No dwelling shall be occupied until the existing footway has been widened along Bonds Lane and at the junctions with Station Road and Palace Street as shown in blue on plan PL 1 0E have been constructed and the existing access onto Station Road closed as shown on the same plan.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Section 4, NPPF)

3. No dwelling shall be occupied until such time that measures to prevent vehicles entering the site from Bonds Lane and exiting the on-site parking area onto Palace Street have been provided in accordance with details to have been previously submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter be retained.

Reason: To safeguard against improper use of the vehicle access in the interests of highway safety.

4. The new access shall not be brought into use until details showing the closing of any existing accesses within the highway frontage of the land to be

developed, not incorporated in the access hereby approved have been submitted to and approved in writing by the Local Planning Authority and the accesses have been closed in accordance with the approved details.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.  
(Section 4, NPPF)

5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. All areas for parking and storage and delivery of materials associated with the demolition of the existing buildings and construction of the development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

***Item 8 (Pages 61-94) – CB/15/03850/FULL – Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP***

**Additional Consultation/Publicity Responses**

*Andrew Selous MP for SW Bedfordshire*

I am writing on behalf of a number of my constituents who have raised with me their objections to the above applications. The constituents all live near to this site and they feel that it will be inappropriate development which would be harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. They have also stated to me that if a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.

I also quote the following in a response to your Adjournment Debate which I led in Parliament on 12th October the minister for Housing & Planning said ' Last year the Government published revised planning policy for Traveller sites with the intention of ensuring greater fairness, of strengthening protection for the green belt, which we all value so highly, and of addressing the negative effects of the unauthorised development of land'

Last year the Government published planning policy for Traveller sites with the intention of ensuring greater fairness, of strengthening protection for the green belt, which we all value so highly, and of addressing the negative effects of the unauthorised development of land'

My constituents have said to me that CBC has a care of duty to all residents and they see no fairness at all in recommending these applications. The Price family on their second application admit they have 1 more static mobile home than their planning permission permits!! They are blatantly taking no notice of the laws and policies of this country.

You will of course recall all the other problems caused within my constituency of authorised and then unauthorised development of traveller sites.

I look forward to hearing back from you.

*Phillips Planning Services (on behalf of residents living in the area) THIS REPRESENTATION IS IN FULL IN APPENDIX 1*

The report to committee fails to apply Green Belt policy and the other significant policy constraints relevant to the proposal. Specifically the report fails to identify and assess the harm to the Green Belt and factors which support the development, and then balance these considerations, and only if harm is clearly outweighed by other considerations do very special circumstances exist.

The report is muddled in that it confuses very special circumstances with other considerations. The two main factors in support of the proposal (the shortfall in traveller pitches and the applicant's personal circumstances) are regarded as very special circumstances in their own right which they are not. Very special circumstances only apply if the totality of other considerations outweighs the harm.

We had reason to challenge an appeal inspector's decision where a similar error was made in the High Court in SB Herba Foods Ltd v SOS 2008 (**SEE APPENDIX 2**). The judicial review was successful and the appeal decision was quashed. Our view would be that the Committee report in its current form would be vulnerable to legal challenge for the same reasons.

This matter is critical to the determination of the proposal which has a complex policy background. Based on the information in the report, our view is that the correct approach to the proposal in summary should be as follows :

### Harm

Harm to the Green Belt is significant.

Impacts on the visual appearance and landscape character of the Chilterns AONB are significantly adverse

The highways objection refers to the construction of an unauthorised access having already taken place directly into the application site.

### Other Considerations

Shortfall of traveller pitches: a shortage of land supply will rarely if ever be sufficient to outweigh releasing open land in the Green Belt for development.

Personal circumstances: Government policy on travellers (PPTC 2015) clearly states that personal circumstances are unlikely to outweigh Green Belt considerations.

Undergrounding of electricity cables: no weight should be given to this as it is likely to be prohibitively expensive and the applicant has produced no evidence that the statutory undertaker responsible will agree.

### Very special circumstances

Our view is that, based on the information in the report, the inappropriate development proposed creates significant harm to the openness of the Green Belt and creates other harm (adverse landscape impact and highways). This is not outweighed by the two main significant countervailing factors put forward by the applicant. Very special circumstances do not therefore apply and the application should be refused.

### Retention of existing site (item 9)

Under the rules of condition precedent, it appears that the existing traveller site is currently unauthorised due to the occupants' failure to comply with conditions attached to their original planning permission. This means that the Council is required to look at the proposal afresh and determine if planning permission should be granted again or if enforcement action should be initiated given that the applicants are not immune under the ten year rule.

### Restriction of commercial activities

Although recommended as conditions in both reports, this is largely worthless as I understand commercial activities have been carried out by the applicants on the existing site for several years with the Council not enforcing the matter. It can therefore be assumed that commercial activity will continue on both the existing and proposed site. This is a significant material consideration which weighs against both applications.

## **Additional Comments**

### *Response to comments from Andrew Selous MP:*

The Government Planning Policy for Traveller Sites, August 2015 states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. This matter is considered in the report to committee.

The stance of the Planning Policy for Traveller Sites of ensuring fairness, protecting the Green Belt, and of addressing the negative effects of the unauthorised development of land, are acknowledged. This application does not involve the unauthorised development of land. The issues of fairness and protecting the Green Belt are considered in making the balanced recommendation of approval in the report to committee.

The Planning Policy for Traveller Sites also states that Green Belt boundaries should be altered only in exceptional circumstances, and through the planmaking process and not in response to a planning application. This application does not seek to amend the Green Belt boundary.

It is acknowledged that planning permission CB/10/01497/VOC on the neighbouring existing site is for no more than three mobile homes, and there are currently four mobile homes on the site. The current planning application on this site (CB/16/04420/FULL) to regularise the situation is for four static caravans and four touring caravans.

### *Response to comments from Phillips Planning Services:*

The report to committee does refer to the harm to the openness of the Green Belt and the visual impact on the AONB. It also refers to the shortfall of traveller pitches and personal circumstances. The report concludes that these factors amount to the very special circumstances to outweigh the identified harm and therefore warrant the granting of permission.

The proposed vehicular access to the site would be via the access to the existing Eversholt Beeches site. The access into the proposed extension site is for the Vodafone mobile phone compound and the National Grid pylon.

No weight in the recommendation of approval has been given to the undergrounding of electricity cables.

In respect of the retention of the existing site, the Council is looking at the proposal afresh through the assessment of application CB/16/04420/FULL.

### *Local Plans Team Consultation Response:*

The second paragraph in the Background section of this response (on page 76 of the report to committee) contains the following sentence, *'The applicant and his neighbours have suggested that these are due to be buried underground by the*

*power company.* Please note that this sentence is erroneous and is omitted from the Local Plans Team response.

**Item 9 (Pages 95-112) – CB/16/04420/FULL – Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP**

**Additional Consultation/Publicity Responses**

*Andrew Selous MP for SW Bedfordshire*

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You will of course recall all the other problems caused within my constituency of authorised and then unauthorised development of traveller sites.

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*Phillips Planning Services (on behalf of residents living in the area) THIS REPRESENTATION IS IN FULL IN APPENDIX 1*

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The report is muddled in that it confuses very special circumstances with other considerations. The two main factors in support of the proposal (the shortfall in traveller pitches and the applicant's personal circumstances) are regarded as very special circumstances in their own right which they are not. Very special circumstances only apply if the totality of other considerations outweighs the harm.

We had reason to challenge an appeal inspector's decision where a similar error was made in the High Court in *SB Herba Foods Ltd v SOS* 2008 (**SEE APPENDIX 2**). The judicial review was successful and the appeal decision was quashed. Our view would be that the Committee report in its current form would be vulnerable to legal challenge for the same reasons.

This matter is critical to the determination of the proposal which has a complex policy background. Based on the information in the report, our view is that the correct approach to the proposal in summary should be as follows :

#### Harm

Harm to the Green Belt is significant.

Impacts on the visual appearance and landscape character of the Chilterns AONB are significantly adverse

The highways objection refers to the construction of an unauthorised access having already taken place directly into the application site.

#### Other Considerations

Shortfall of traveller pitches: a shortage of land supply will rarely if ever be sufficient to outweigh releasing open land in the Green Belt for development.

Personal circumstances: Government policy on travellers (PPTC 2015) clearly states that personal circumstances are unlikely to outweigh Green Belt considerations.

Undergrounding of electricity cables: no weight should be given to this as it is likely to be prohibitively expensive and the applicant has produced no evidence that the statutory undertaker responsible will agree.

#### Very special circumstances

Our view is that, based on the information in the report, the inappropriate development proposed creates significant harm to the openness of the Green Belt

and creates other harm (adverse landscape impact and highways). This is not outweighed by the two main significant countervailing factors put forward by the applicant. Very special circumstances do not therefore apply and the application should be refused.

#### Retention of existing site (item 9)

Under the rules of condition precedent, it appears that the existing traveller site is currently unauthorised due to the occupants' failure to comply with conditions attached to their original planning permission. This means that the Council is required to look at the proposal afresh and determine if planning permission should be granted again or if enforcement action should be initiated given that the applicants are not immune under the ten year rule.

#### Restriction of commercial activities

Although recommended as conditions in both reports, this is largely worthless as I understand commercial activities have been carried out by the applicants on the existing site for several years with the Council not enforcing the matter. It can therefore be assumed that commercial activity will continue on both the existing and proposed site. This is a significant material consideration which weighs against both applications.

#### **Additional Comments**

##### *Response to comments from Andrew Selous MP:*

The Government Planning Policy for Traveller Sites, August 2015 states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. This is considered in the report to committee.

The stance of the Planning Policy for Traveller Sites of ensuring fairness, protecting the Green Belt, and of addressing the negative effects of the unauthorised development of land, are acknowledged. The issues of fairness and protecting the Green Belt are considered in making the balanced recommendation of approval in the report to committee.

It is acknowledged that planning permission CB/10/01497/VOC is for no more than three mobile homes, and there are currently four mobile homes on the site. The current planning application to regularise the situation is for four static caravans and four touring caravans.

The Planning Policy for Traveller Sites also states that Green Belt boundaries should be altered only in exceptional circumstances, and through the planmaking process and not in response to a planning application. This application does not seek to amend the Green Belt boundary.

##### *Response to comments from Phillips Planning Services:*

The report to committee does refer to the harm to the openness of the Green Belt and the visual impact on the AONB. It also refers to the shortfall of traveller pitches

and personal circumstances. The report concludes that these factors, together with the refusal of permission resulting in the need for pitches increasing by the number that would be lost, i.e. 5 pitches, amount to the very special circumstances to outweigh the identified harm and therefore warrant the granting of permission.

No weight in the recommendation of approval has been given to the undergrounding of electricity cables.

In respect of the retention of the existing site, the Council is looking at the proposal afresh through the assessment of application CB/16/04420/FULL.

***Item 10 (Pages 113-122) – CB/16/04933/FULL – 19 Lincoln Way, Harlington, Dunstable, LU5 6NG***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 12 CB/16/0232/FULL – Land at Double Arches Farm, Eastern Way, Heath and Reach***

**Additional/Amended Conditions/Reasons**

Condition 11 amended to remove pre-commencement obligation;

*Within three months of the commencement of the development, a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the date of the approval of details (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.*

*Reason: To ensure an acceptable standard of landscaping in order to protect the visual amenities of the adjoining countryside which lies within the Green Belt.  
(Policy BE8, SBLPR & Sections 7, 9 & 11, NPPF)*

Additional condition considered to be necessary in order to ensure the comprehensive redevelopment of the site;

*Within three months of the commencement of the development, a phasing schedule detailing the timescales for the construction of units 1 – 18 shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the development shall then take place in strict accordance with the approved details.*

*Reason: To ensure the comprehensive re-development of the site and in recognition of the location of the site in the Green Belt and the 'very special circumstances' case accepted.*

*(Policy BE8 SBLPR & Sections 7 & 9 NPPF)*

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Your Ref : CB/15/03850/FULL

Our Ref : AJM / A154833

2<sup>nd</sup> December 2016

Cllr. Matthews,  
Chairman,  
Development Management Committee,  
Central Bedfordshire Council,  
Priory House,  
Monks Walk,  
Chicksands,  
Shefford,  
Beds  
SG17 5TQ

Dear Cllr. Matthews,

**Development Management Committee 7<sup>th</sup> December 2016**

**Item No 8 : proposed traveller site at Eversholt Beeches, Watling Street, Caddington LU6 3QP ( Ref : CB/15/03850/FULL ) and**

**Item No 9 : retention of traveller site at Eversholt Beeches, Watling Street, Caddington LU6 3QP ( Ref : CB/116/04420/FULL )**

You will recall we wrote to you on 15<sup>th</sup> July 2016 informing you that we act for a number of residents living in the area around the application sites and had been instructed to review the Committee Report on their behalf.

I have reviewed both reports on behalf of my clients and have the following comments to make on their behalf. I would be grateful if you could draw the matters outlined below to the Committee and take account of them in the determination of the proposal.

**1) Officer report**

I am afraid that the report for item 8 is identical to the one previously prepared by your officers while the second report for item 9 has the same flaws. The same criticisms therefore apply. I am also concerned that while all other consultation responses are reported verbatim, our response has been condensed into two small paragraphs which do not reflect some of the fundamental points we have sought to communicate.

I am afraid the report appears to be fundamentally flawed in that it fails to apply Green Belt policy and the other significant policy constraints relevant to the proposal. Paragraphs 87 and 88 of the National Planning Policy Framework clearly set out how inappropriate development in the Green Belt such as traveller sites should be considered. These require a four step process as follows :

1. Identify and assess the harm to the Green Belt and any other harm caused by the development
2. Identify any other considerations or countervailing factors which support the development
3. Balance these considerations against the harm caused by the development
4. Only if the harm is clearly outweighed by other considerations do very special circumstances exist

The officer report fails to carry out this exercise. The policy summary of the Framework fails to outline these four steps on page 49; policy comments from the Local Plans Team take the shortfall of traveller pitches as their starting point rather than the fundamental Green Belt constraints; much reference is made to the 2014 Gypsy and Traveller Local Plan to which no weight should be given as it has been withdrawn.

Most significantly, the report is muddled in that it confuses very special circumstances with other considerations. The two main factors in support of the proposal ( the shortfall in traveller pitches and the applicant's personal circumstances ) are regarded as very special circumstances in their own right which they are not. Very special circumstances only apply if the totality of other considerations outweighs the harm.

We had reason to challenge an appeal inspector's decision where a similar error was made in the High Court in *SB Herba Foods Ltd v SOS* 2008. The judicial review was successful and the appeal decision was quashed – I attach a copy of the judgement for your consideration. Our view would be that the Committee report in its current form would be vulnerable to legal challenge for the same reasons.

This matter is critical to the determination of the proposal which has a complex policy background. Based on the information in the report, our view is that the correct approach to the proposal in summary should be as follows :

### Harm

- **Harm to the Green Belt** is significant. A field which is currently open land will be lost to development harming the openness of the Green Belt and compromising two of the main purposes of the Green Belt by encouraging sprawl and encroachment into the countryside. The application site includes a small part of the field parcel but the reality is that all of the field will be lost as is the case with the existing site.
- **Impacts on the visual appearance and landscape character of the Chilterns AONB** are significantly adverse with clear views into the site from elevated positions in medium to long distance views. Traveller sites of themselves are visually unattractive. Landscape mitigation amounts to little more than thickening existing hedges which is inadequate. The report seems to rely on landscape conditions to address this adverse impact but this will be ineffectual.
- **The highways objection** refers to the construction of an unauthorised access having already taken place directly into the application site. This would be harmful to highway safety as it indicates the applicant intends to use the land as a separate site not an extension – this is not picked up in the report.

### Other considerations

- **Shortfall of traveller pitches** : central government policy and guidance and numerous recent ministerial statements have confirmed that a shortage of land supply will rarely if ever be sufficient to outweigh releasing open land in the Green Belt for development. There is nothing in this case which indicates a different approach should be taken. The two appeal decisions referred to ( in Arlesey and Hatch ) are not directly applicable as they are not in the Green Belt. The Council will have the opportunity to address the current shortfall in the emerging Local Plan.
- **Personal circumstances** : Government policy on travellers ( PPTC 2015 ) clearly states that personal circumstances are unlikely to outweigh Green Belt considerations. It is quite normal for travellers to put forward the educational and health needs of children or the elderly to support their proposals but, as is the case with the settled community, proposals must be assessed objectively with regard to policy considerations. While it would be inappropriate for the details of individual children to be discussed in public, there are no details in the report of what the applicant's personal circumstances case is. It is impossible therefore for the Committee to determine what weight to attach to it. The applicant makes reference to the Human Rights which his children are of course entitled to. However, Schedule 1, Part 1, Article 8 : Private And Family Life and Part II, First Protocol, Article 1 : Protection Of Property are both qualified by the State's right to control matters in the public interest which is the primary function of the planning system.
- **Undergrounding of electricity cables** : no weight should be given to this as it is likely to be prohibitively expensive and the applicant has produced no evidence that the statutory undertaker responsible will agree.

### Balancing exercise

The harm to the openness of the Green Belt is significant as a significant portion of open greenfield land will be lost to development and two of the main purposes of the Green Belt are being compromised. Landscape impacts are significantly adverse and there is the danger of a separate highway access being constructed on the A5 which is a busy road with fast moving traffic. No weight should be attached to undergrounding electricity cables as this will not happen. Landscape mitigation offered is ineffectual and imprecise. There is some weight to the shortfall in traveller pitches but Government policy is quite clear that Green Belt sites are not the correct locations to make up the shortfall through individual applications. It is impossible to ascertain what weight to give to the applicant's personal circumstances case given the lack of details in the report. Again, Government policy clearly states that this will normally be insufficient to outweigh Green Belt concerns.

### Very special circumstances

Our view is that, based on the information in the report, the inappropriate development proposed creates significant harm to the openness of the Green Belt and creates other harm ( adverse landscape impact and highways ). This is not outweighed by the two main significant countervailing factors put forward by the applicant. Very special circumstances do not therefore apply and the application should be refused.

**2) Retention of existing site ( item 9 )**

Under the rules of condition precedent, it appears that the existing traveller site is currently unauthorised due to the occupants' failure to comply with conditions attached to their original planning permission. This means that the Council is required to look at the proposal afresh and determine if planning permission should be granted again or if enforcement action should be initiated given that the applicants are not immune under the ten year rule.

This certainly has a direct bearing on item 8 which is not an extension to an authorised site ( which the report implies ) but should be considered in isolation. Our view is that there is adequate room within the existing site covered by item 9 for all the applicant's family members and there is no need to encroach into open, greenfield, Green Belt land.

**3) Restriction of commercial activities**

Although recommended as conditions in both reports, this is largely worthless as I understand commercial activities have been carried out by the applicants on the existing site for several years with the Council not enforcing the matter. It can therefore be assumed that commercial activity will continue on both the existing and proposed site. This is a significant material consideration which weighs against both applications.

We would be grateful if these points could be considered by the Committee in the determination of both applications.

Yours sincerely,



Al Morrow BA Hons, MRTPI  
Director  
PHILLIPS PLANNING SERVICES LTD.

Neutral Citation Number: [2008] EWHC 3046 (Admin)

Case No: CO/3755/2007

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 10<sup>th</sup> December 2008

Before :

**SIR GEORGE NEWMAN**  
**(sitting as a Deputy High Court Judge)**

Between :

**SB HERBA FOODS LIMITED**

**Claimant**

- and -

**(1) SECRETARY OF STATE FOR  
COMMUNITIES AND LOCAL GOVERNMENT  
and (2) SOUTH CAMBRIDGESHIRE DISTRICT  
COUNCIL**

**Defendants**

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**Matthew Horton QC** (instructed by Marrons) for the Claimant  
**Sarah-Jane Davies** (instructed by The Treasury Solicitor) for the First Defendant

Hearing date: 4<sup>th</sup> November 2008

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**Judgment**

**Sir George Newman :**

1. This is an appeal by SB Herba Foods Limited (“the claimant”) pursuant to section 288 of the Town and Country Planning Act 1990. The claimant seeks to quash, for error of law, a decision of the first defendant made on her behalf by an Inspector.
2. By a decision dated 28<sup>th</sup> March 2007 the Inspector dismissed an appeal by the claimant against a decision of the second defendant refusing planning permission for the extension of an existing factory operated by the claimant.

**The Essential Facts**

3. The factory is a former grain silo on the edge of the village of Fulbourn in Cambridgeshire. In 1988 the claimant commenced the re-use of it for the purpose of milling foodstuffs. The factory is outside but extends up to the very edge of the Cambridge Green Belt. The proposed extension would be in the Green Belt. But, being within the curtilage of the existing factory, the extension site, in planning terms,

is categorised as previously developed land (sometimes described colloquially as brownfield land).

Planning Policy

4. By section 38(6) of the Planning and Compensation Act 2004 any decision whether to grant planning permission must be taken in accordance with the development plan unless material considerations indicate otherwise. For the purpose of section 38(6), the development plan comprises adopted regional, county and local policy. The fundamental basis upon which it is submitted the Inspector made an error of law is in his interpretation of paragraphs 3.1 and 3.2 of PPG2. This is not the first time that these paragraphs have fallen for interpretation by the Court and they have been the subject of consideration in the Court of Appeal most recently in *Wychavon District Council v Secretary of State for the Communities and Local Government and Others* [2008] EWCA Civ 692. It will be necessary later to return to the judgment of Carnwath LJ. Apart from PPG2, the Inspector considered other relevant planning policy documents, namely the Regional Planning Guidance (RPG) for East Anglia, the Cambridgeshire and Peterborough Structure Plan (SP) and the Local Plan (LP). In paragraphs 4 to 8 of the Decision Letter (“DL”), the Inspector summarised the effect of the RPG, SP and LP documents.
  
5. It is common ground that the Inspector carefully analysed the relevant planning policy documents and that he correctly focused on the relevant parts of those documents, save in connection with LP policy GB2, where he summarised the policy as prohibiting “inappropriate development in the Green Belt ...” unless very special circumstances exist and incorrectly went on to state, that they should also have “no adverse effect on the rural character and openness of the Green Belt”. It is accepted that, according to the true meaning of the final part of the wording of the policy, that restriction relates to “appropriate” development and not “inappropriate” development. To that extent, he misread the policy but it is not submitted that this error has any real bearing on the issue before the court.
  
6. The important paragraphs of PPG2 are as follows, in their material part:-
  - “3.1 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances....
  
  - 3.2 Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations...”.

### The Inspector's Findings

7. The Inspector identified three main issues in the appeal, namely:
  - “whether the proposal constitutes inappropriate development in the Cambridge Green Belt;
  - the effect of the proposal on openness and visual amenities of the Green Belt; and
  - if the proposal constitutes inappropriate development in the Green Belt, whether very special circumstances exist, which clearly outweigh the harm resulting from that inappropriateness and any other harm.”
  
8. In a decision letter, which it is not disputed was carefully drawn up and well constructed, the Inspector took each of those issues in turn.
  
9. As to the first issue, he found that the proposed development would constitute “inappropriate development”. Submission had been advanced to him by Mr Horton QC that the proposal to extend was to be regarded as the re-use of a building and, for that reason, it fell within the exception from the definition of inappropriate development. Although the issue of whether it amounted to re-use or not was canvassed in argument, it is not central to the matters which the Court has to decide. For myself, I am not in doubt that the Inspector reached the correct conclusion.
  
10. As to the effect of the proposed development on the openness and visual amenities of the Green Belt, he drew attention to the fact that the original mill building is very large and prominent and that the extension would be small in comparison to the existing building. He concluded that, by virtue of the proposal for the erection of a building on land which is at present not built upon, it would “as a matter of fact ... reduce the openness of the Green Belt”, although “the extent to which that reduction in openness is material depends on what would actually be visible”. He concluded that the extension “would not have a material impact on the wider landscape and would not be prominent in longer views”. When viewed from close advantage points to the north and south, “the appeal site appears as part of the attractive, open, rural character of the Green Belt setting of Fulbourn, rather than part of the village’s built environment”. There was in evidence before him the proposal that there should be a planting programme which would be carried out by the claimant and he concluded: “... in the medium to long term, the harm caused by the proposal to the openness and visual amenities to the Green Belt would be limited”. The proposed planting would also, in association with the extension, “improve the screening of the earlier extension”. He concluded that “the visual impact of the proposal would not be sufficient in itself to justify dismissal of the appeal”. He accepted that the “unusual characteristics of the original ... building make it ideally suited to the appellant’s milling process”. He accepted that “the appellant currently needs more storage space and ... that need is likely to continue”. Further he concluded “The current pressure on space is hindering efficiency and making it more difficult, though not impossible, to ensure compliance with Health and Safety requirements...”. Further, that “the only options available to the appellant are to extend the existing buildings or secure storage space off-site” and he concluded that since off-site storage space was available, if the

appeal failed, storage space off-site would be used. He drew attention to the disadvantages of off-site storage in terms of economic and efficient operation of [the business] and concluded that "... it would be better to extend the building than to use off-site storage...".

11. The use of off-site storage would inevitably give rise to more heavy goods vehicle movements, a consequent increase in CO<sub>2</sub> emissions and an increase in the amount of packaging waste. He recognised that minimising the effects of these matters was the subject of national, regional and local planning policy in relation to the first two, and an important environmental aim in the case of the third.
12. I have deliberately set out his conclusions in relation to all these considerations without referring to the reasoning process which he applied to each consideration. It is his reasoning which is specifically under challenge, it being said that he erred in the test he applied in the process of determining the character and weight which could be given to these various considerations.

### The Cases

13. The Inspector directed himself when considering the effect of paragraphs 3.1 and 3.2 of PPG2 according to his understanding of the decision of Sullivan J. in *R (Chelmsford Borough Council) v First Secretary of State and Draper* [2003] EWHC Admin 2978. As I have indicated above, the Court of Appeal has recently considered the proper approach to paragraphs 3.1 and 3.2 in the *Wychavon* case. I take Carnwath LJ to have stated at paragraphs 21 to 26:
  - (1) that the words "very special" in paragraph 3.2 are not to be treated as the converse of "commonplace". Rarity may contribute to the special quality of a particular factor, but what is required is a qualitative judgment as to the weight to be afforded to a particular factor for planning purposes (see paragraph 21);
  - (2) that contrary to the approach of Sullivan J. in *Chelmsford*, the two elements of paragraph 3.2 – the existence of very special circumstances and the need clearly to outweigh the harm to the Green Belt – should not be rigidly divided. The factors which make a case very special may be the same as, or at least overlap with, those which justify holding the Green Belt considerations are clearly outweighed. The Court of Appeal preferred the formulation taken from an earlier decision of Sullivan J. in *Doncaster MBC v SSETR* [2002] JPL 1509 para 70 where the judge had stated:

"Given that inappropriate development is by definition harmful, the proper approach was whether the harm by reason of inappropriateness and the *further* harm, albeit limited, caused to the openness and purpose of the Green Belt was *clearly* outweighed by the benefit to the appellants' family and particularly to the children so as to amount to *very* special circumstances justifying an exception to Green Belt policy".

Carnwath LJ approved of this formulation because it treated "... the two questions as linked" but started ".. from the premise that inappropriate development is by definition harmful" to the purposes of the Green Belt.

### The Inspector's Approach

14. It can be seen from paragraph 3 of the DL (third bullet point) that the Inspector formulated the issue to which paragraphs 3.1 and 3.2 of PPG2 gave rise as, "whether very special circumstances exist". It is true this was the ultimate issue, because development could only be "approved ... in very special circumstances". But the critical question on the path to the correct determination of the ultimate question was whether "other considerations" clearly outweighed the harm by reason of "inappropriateness and any other harm". The correct approach outlined by Sullivan J in *Doncaster MBC v SSETR* [2002] JPL 1509, approved by Carnwath LJ in *Wychavon*, should have been adopted (see paragraph 13 above). It must be noted that the judgment in *Wychavon* was delivered after this DL.
  
15. It was submitted, with justification, that the Inspector's initial formulation in paragraph 3 of the DL was not developed by him in the subsequent detail of the DL so as to demonstrate that he had the critical question sufficiently in mind. In paragraph 20 of the DL he stated that he understood the *Chelmsford Borough Council* to indicate that he:
 

"must consider whether a particular circumstance or combination of circumstances is very special. Ultimately then, I have to view all of the circumstances of this case in the round, but I will first consider the individual matters advanced by the appellant as constituting or contributing to very special circumstances".
  
16. In my judgment, the *Chelmsford Borough Council* case led him into error. He was entitled to look at the circumstances individually and cumulatively and ultimately to consider whether they amounted to "very special circumstances", but before coming to a conclusion he was obliged to give adequate consideration, either individually or cumulatively, and to determine whether or not they "clearly outweigh" the green belt harm. He had to exercise a judgment and assess the quality of the factors according to planning principles and considerations. In paragraph 21 of *Wychavon* Carnwath LJ, having identified the error in treating "very special " as the converse of "commonplace", went on to state:
 

"The word "special" in the guidance connotes not a quantitative test, but a qualitative judgment as to the weight to be given to the particular factor for planning purposes. Thus, for example, respect for the home is in one sense a "commonplace", in that it reflects an aspiration shared by most of humanity. But it is at the same time sufficiently "special" for it to be given protection as a fundamental right under the European Convention."
  
17. The Inspector carefully went through the factors constituting other considerations (see paragraphs 20-37). He concluded that the appellant ".. currently needs more storage space and unless customers' requirements change again, that need is likely to

continue” (paragraph 22). He concluded that “.. in terms of the economic and efficient operation of his business, it would be better to extend the building than to use off-site storage and that this would make compliance with health and safety requirements easier” (paragraph 23).

18. He did then weigh those conclusions against the harm and at paragraph 26 stated:

“Whilst I am satisfied that the proposed extension makes perfectly good business sense, I am not persuaded that the business need is so compelling that it would outweigh the overall harm identified. Furthermore, I am not convinced that the need for additional storage space represents a particularly unusual, let alone very special circumstance. For the appellant, Mr Phillips ventured to suggest that, at any given time, some 5 to 10% of businesses are seeking more space. I am not aware that there is a sound statistical basis for that estimate, but I accept that Mr Phillips can draw on considerable experience as a planning consultant. Nevertheless, I take the view that, to fall within that proportion of businesses, would not be very special. I also note the Council’s submission that it would be more relevant to consider the proportion of businesses in need of more space at some time in their existence. On that basis, it seems to me that such a need is likely to be quite common. I acknowledge that many other businesses will have much greater flexibility to relocate their entire operations than the appellant has. However, the appellant does not have to relocate. The evidence indicates that in business terms, the use of off-site storage is a perfectly feasible, albeit second best option”.

19. It is clear that the Inspector gave less weight to the need for storage because he regarded it as a commonplace consideration. He was wrong to do so. I shall return to what should flow from this error later.

#### Off-site storage

20. The Inspector concluded that there was “harm” which would arise from increased HGV movements using off-site storage. He weighed this harm against the green belt harm, but held that it did not outweigh the green belt harm. He then added:

“Furthermore, whilst these environmental considerations are important, they are likely to arise in many cases where businesses in the Green Belt require additional storage space. In my view, these circumstances cannot be described as unusual, let alone very special.” (paragraph 29).

#### The Brownfield Factor

21. The Inspector stated:

“I note that the proposal would make use of previously developed land and it would assist in further securing the use of an existing building with significant embodied energy and resources, thus making best use of those resources. However, these factors would surely apply in all cases where an extension is proposed to a building, within its existing curtilage. Such circumstances can hardly be very special.” (paragraph 30)

### Screening

22. It can be noted that in paragraph 31 of the DL the Inspector carried out a weighing exercise without reference to the test of it being “commonplace” or “unusual” and addressed the arguments by reference to the “limited additional harm in terms of loss to openness” by weighing it against the harm for inappropriateness (see paragraphs 35 and 36).

23. The Inspector concluded, in two short paragraphs, as follows:

“On examining each of the circumstances relied upon by the appellant, I have found that none of them is very special and none of them clearly outweighs the harm identified. I also consider that the combination of factors referred to would not be particularly unusual and could apply to many businesses that wished to extend their existing premises to meet a need for additional storage space.” (paragraph 36)

And (paragraph 37)

“I fully understand the appellant’s desire to pursue this scheme; it is consistent with sound business planning. Nevertheless, on the last main issue, I conclude that the circumstances of the case and the benefits of the proposal, either individually or collectively, are not very special and do not clearly outweigh the harm by reason of inappropriateness and the limited harm to the openness and visual amenity of the Cambridge Green Belt...”

### Conclusion

24. This was a careful and well constructed DL. As such, it is possible to see that, in some respects, the necessary exercise was discharged. But, as I see it, the question whether the misdirection both in the formulation of the critical issue as well as the subsequent weighing process which was to a large part, by reference to whether the factors were “commonplace” or “unusual”, so seriously flaws the decision as to require it to be quashed and remitted to another Inspector. I have concluded that it is impossible to disentangle the Inspector’s conclusions on the weight to be attached to the “other considerations” from his predominant focus on looking for the character of each being a “very special circumstance”. More so I find it impossible to disentangle the extent to which his conclusions on weight were influenced by his erroneous test of looking for the “unusual” or the uncommonplace factor.

Judgment Approved by the court for handing down.

25. Further, Carnwath LJ stated the exercise involved a “qualitative judgment as to the weight to be given to the particular factor for planning purposes”. That seems to me, in a case such as this, to be for an Inspector, not for the court.
26. The DL must be quashed and, unless counsel wish to submit otherwise, my present view is that the matter should be remitted to another Inspector.

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## Replacement Report

**Meeting:** Development Management Committee

**Date:** 7<sup>th</sup> December 2016

**Subject:** Planning Enforcement cases where formal action has been taken

**Report of:** Director of Regeneration and Business

**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business

**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Council

### CORPORATE IMPLICATIONS

**Council Priorities:**

This is a report for noting ongoing planning enforcement action.

**Financial:**

1. None

**Legal:**

2. None.

**Risk Management:**

3. None

**Staffing (including Trades Unions):**

4. Not Applicable.

**Equalities/Human Rights:**

5. None

**Public Health**

6. None

**Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet

## Planning Enforcement formal action (DM Committee 7th December 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Further presentation to PFMT Jan 2017.
2	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed March 2014. Magistrates Prosecution successful March 2016. Appeal to Crown Court	27-Sep-14	Not complied	Garage remains. Appeal against prosecution dismissed, at Court the prosecution fine of £6,000 remains and an additional £20,941.70 in Prosecutions costs imposed.
3	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Further presentation to PFMT Jan 2017.
4	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
5	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16		07-Mar-17	Appeal dismissed 07/03/16	Planning permission CB/16/02327/FULL granted 29/9/16, condition 2 requires submission of demolition scheme by 29/11/16 and demolition of unauthorised extensions by 7/4/17 as per compliance with Enforcement Notice. Appeal received 31/10/16 against Condition 2.

## Planning Enforcement formal action (DM Committee 7th December 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
6	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15		Jun-16	Appeal part allowed, but Enforcement Notice upheld with revision	Appeal decision made on 19th May 2016 & allowed with regards to the retention of the plastic rainwater goods. Enforcement notice upheld with variations regarding the remaining unauthorised works. Further visit arranged for Monday 28th November 2016 to ascertain if full compliance has been achieved.
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full compliance with breach of condition notice.
8	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Planning permission granted 01/03/16 for a replacement horticultural building (App CB/15/00727/FULL), with condition requiring removal of all skips & containers prior to the building being brought into use.
9	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Further presentation to PFMT Jan 2017.
10	CB/ENC/13/0011	8 High Street, Biggleswade, SG18 0JL	Unauthorised advertisement							Further evidence to Legal 11/7/16 to consider prosecution action.
11	CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice -Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15		08-Dec-15		Further visit to be made to ascertain if works to comply with the condition has been completed.
12	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Planning appeal received 07/06	Aug-15		Residential use remains. Appeal against the refusal of the Section 191 application for the use of a dwellinghouse for residential purposes (CB/15/04424) to be considered at a hearing on 20 December 2016. Prosecution action to be assessed once the outcome of the appeal is known.

## Planning Enforcement formal action (DM Committee 7th December 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - -Erection of timber building  2 - Material change of use from agriculture to storage of motor vehicles  3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.  1X Enforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15  12-Aug-15  12-Aug-15  04-Feb-16	12-Sep-15  12-Sep-15  12-Sep-15  07-Mar-16	12-Nov-15  12-Nov-15  12-Nov-15  07-May 16 07-June-16			Not complied with  Complied with	Enforcement Notice 1 has not been complied with.  No further action needed  Enforcement Notice 3 has been part complied with.  Prosecution report prepared and with Legal for consideration.
14	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Sale of the property has been completed. New owners have commenced works to comply with the notice.
15	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Informal meeting to be arranged to discuss costs involved in proposed action.
16	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16		27/09/2016	Appeal decision 27/7/16 - Enforcement Notice upheld	Case given to new case officer for assessment and follow up.
17	CB/ENC/15/0182	8 The Avenue, Blunham, MK44 3NY	Enforcement Notice - Unauthorised fence	22-Mar-16	22-Apr-16	22-May-16			Not complied	Evidence being reviewed by legal to consider whether prosecution action should be taken.

## Planning Enforcement formal action (DM Committee 7th December 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	CB/ENC/15/0258	The Coach and Horses, 95 The Green, Stotfold, SG5 4DG	Enforcement Notice - Unauthorised construction of play equipment	17-May-16	17-Jun-16	17-Jul-16	Appeal received 10/06/16			Await outcome of the appeal.
19	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Part compliance with the Section 215 Notice. Two mobile homes remain. Internal and external alterations to the barn building carried out. Legal dispute over land ownership still with the courts. Planning Contravention Notice (PCN) to be served to assess the scale and nature of the planning breaches.
20	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.  Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16			Appeal dismissed	Continuation of Injunction granted 5/10/15 to prevent further unlawful development.  Planning application refused.  Appeal decision - Enforcement Notice varied, enforcement appeal and planning appeal dismissed. The removal of the caravans is required by 2 March 2017, and the removal of hard standing and internal fencing by 2 June 2017. Injunction remains in place.
21	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16				Visit made, site vegetation cleared but vehicles need to be removed, Further 4 weeks allowed to remove vehicles. Further visit to be made in December.
22	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16		19-Jan-17	Appeal dismissed	Further application to retain development and use refused but an appeal has been lodged. Compliance with the Notice is due by 19/01/17. Awaiting planning appeal decision.

## Planning Enforcement formal action (DM Committee 7th December 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
23	CB/ENC/15/0585	10 Town Meadow, Shefford, SG17 5EF	Section 215 notice - untidy land	16-Jun-16	16-Jul-16	16-Aug-16			Complied	The garden has been significantly tidied up so that the S215 Notice has been complied with and no further action is to be taken.
24	CB/ENC/16/0001	Rear of, 2 Wrestlingworth Road, Potton, SG19 2DP	Enforcement Notice - Material change of use of the land from agricultural use to a use for the storage of materials, equipment and machinery associated with the unauthorised demolition business.	01-Jun-16	01-Jul-16	01-Aug-16	Appeal received 10/06/16			Await outcome of appeal. Planning Inspector's site inspection to take place by the end of November 2016.
25	CB/ENC/16/0016	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17				Check compliance 16/03/17
26	CB/ENC/16/0025	Bottom Wood, Park Road, Moggerhanger, MK44 3RN	Enforcement Notice - Material change of use of land from agriculture to an outdoor activity centre and siting of a marquee and structures.	18-Feb-16	18-Mar-16	18-Apr-16	Appeal received 18/03/16	17/12/2016	Appeal dismissed	Appeal dismissed on 17 November 2016. Site inspection to be carried out after the compliance period of one month to remove all structures has elapsed.
27	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	Enforcement Notice 1 (r/o Unit 14)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery  Enforcement Notice 2 (r/o Unit 22)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery	05-Apr-16  05-Apr-16	06-May-16  06-May-16	06-June-16 06-July-16  06-Jun-16	Appeal received 06/05/16		Notices withdrawn	Negotiations taking place to ensure there is full compliance with the conditions placed on approval CB/15/04844 for the Unit 22 site. Planning application being considered with regard to the future use of the land rear of Unit 14.

## Planning Enforcement formal action (DM Committee 7th December 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
28	CB/ENC/16/0109	Land opposite, The Elms and Upper Wood End Farm, Wood End, Marston Moretaine	Enforcement Notice - The unauthorised material change of use of the Land from agriculture to a mixed use for agriculture and the stationing siting and storage of a metal container, two water tanks, a wooden shelter and a wooden frame (being items and structures not associated with the lawful agricultural use of the Land).	04-Aug-16	04-Sep-16	04-Oct-16			Complied	Notice complied with.
29	CB/ENC/16/0179	Land at 81 The Rowlands, Biggleswade, SG18 8NZ	S215 Notice - Untidy land	02-Aug-16	02-Sep-16	02-Oct016				No further update from legal, waiting for evidence to be considered.
30	CB/ENC/16/0214	Land at 27 Gardeners Close, Maulden, Bedford, MK45 2DY	Enforcement Notice - Unauthorised erection of an outbuilding, a raised platform and supporting frame.	22-Aug-16	22-Sep-16	22-Oct-16				Allocated to new case officer to check compliance with notice.
31	CB/ENC/16/0237	Land at 3A Shannon Close and Land to the North, Lower Stondon, SG16 6EF	Unauthorised works to trees protected by Tree Preservation Orders							Prosecution file to legal regarding the unauthorised works to TPO trees. First court date 29/11/2016.
32	CB/ENC/16/0239	Four Winds Garage, West End, Haynes, MK45 3QT	Enforcement Notice - The unauthorised erection of a timber structure on the land located around the A6 Cafe units.	05-Aug-16	05-Sep-16	05-Oct-16	Appeal received 11/08/16			Await outcome of appeal.
33	CB/ENC/16/0254	Tree Tops, Heath Lane, Aspley Heath, MK17 8TN	Unauthorised felling of trees in a Conservation Area							Revised re-planting plan considered to be acceptable to Tree Officer and so awaiting formal submission to approved landscaping plan.
34	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16				Check compliance 03/12/16
35	CB/ENC/16/0390	7 Lovers Walk, Dunstable, LU5 4BG	Section 215 - Untidy Land	20-Oct-16	20-Nov-16	20-Dec-16				Check compliance 20/12/16
36	CB/ENC/16/0392	Waddingtons, Watling Street, Hockliffe, LU7 9LP	Temporary Stop Notice -Unauthorised works to develop the site, not in accordance with Planning Permission CB/15/04613/Full	26-Aug-16	26-Aug-16					No unauthorised work since TSN served. Awaiting revised planning application.