

**ENFORCEMENT ACTION  
(Reports by Development Control Manager)**

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**REPORT TO INFORM PANEL MEMBERS OF ENFORCEMENT ACTION TAKEN AT 'LAND SOUTH OF CARAVAN SITE, NEEDINGWORTH ROAD, BLUNTISHAM' (KNOWN LOCALLY AS BARLEYCROFT) RESULTING IN THE GRANTING OF AN INJUNCTION IN THE HIGH COURTS OF JUSTICE, QUEENS BENCH DIVISION ON THE 3<sup>RD</sup> MARCH 2009 IN ANTICIPATION OF A BREACH OF PLANNING CONTROL, NAMELY THE CONSTRUCTION AND USE OF AN UNAUTHORISED GYPSY SITE.**

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**Grid Ref: 535860 273282**

**1. DESCRIPTION OF SITE AND SURROUNDING AREA**

- 1.1 The site is a rough grassed agricultural field of approximately 2 hectares. It is accessed off the A1123, Needingworth Road, Bluntisham. It is south of a site where the owner has a Certificate of Lawful Use for a mobile home having been there approximately 30 years. The site subject of the injunction is completely independent of this site and in different ownership.
- 1.2 The track leading to the site is known locally as Barleycroft and leads to Needingworth after crossing the Ouse Valley Way footpath.
- 1.3 The site is approximately half in Zone 3 flood risk and the remainder apart from a very small corner is Zone 2. The junction with the A1123 is surfaced with sand and gravel and the speed limit is unrestricted on the A1123 at 60 mph.

**2. DETAILS OF THE ANTICIPATED BREACH**

- 2.1 Rumours had been circulating around the Parish of Bluntisham that the land had been purchased by gypsies and that it would be subdivided into 14 plots and that the gypsies would move on over a weekend and live there in caravans.
- 2.2 The land owner (not a gypsy) said that although gypsies had tried to buy it several times over the past years he had not sold it.
- 2.3 On the 25<sup>th</sup> February 2009 The Enforcement Officer attended the site and found that a water pipe had been laid under the ground and was about 50m short of the highway where it is believed the water supply is. Enquiries locally indicated that the pipe had been laid by travellers/gypsies the previous weekend. The owner claimed he intended to grow trees.
- 2.4 On the 2<sup>nd</sup> March 2009 the Enforcement Officer inspected the site again and found that additional water pipe had been laid and it was now 10m short of the highway. At the other end (approximately 150m) a stand pipe and tap had been fitted on the east side of the site. On the west side of the site a small

shed had been erected against a power supply pole. The shed contained junction and fuse boxes and appeared ready for connection to the main electricity supply.

- 2.5 It was considered that there was no other explanation than that suspected from the rumours and that the next stage would likely be the laying of hardcore standings and roadways and use of the land as a gypsy/traveller site.

### **3. SUMMARY OF ISSUES**

- 3.1 Based on the information currently available, the site is not considered to be appropriate for a permanent or temporary gypsy/traveller site.
- 3.2 The development is categorised as 'highly vulnerable' in PPS25. The northern part of the site is mostly located within Flood Zone 2 where to be acceptable, the sequential test has to be carried out for this type of development and a Flood Risk Assessment must demonstrate that the development will be safe without increasing flood risk elsewhere. The southern part of the site is within Flood Zone 3 where development of this nature should not be permitted. The site is likely to be at risk of flooding and may cause flooding elsewhere.
- 3.3 There is inadequate visibility at the junction of the access road with the A1123 and there is a record of road traffic accidents in the vicinity. The potential development would therefore unacceptable in terms of highway safety.
- 3.4 In addition, matters such as the access width and the suitability of the site in terms of transport mode and distance from services would also have to be carefully considered in determining whether the site is appropriate as a gypsy/traveller site.

### **4. ACTION TAKEN**

- 4.1 The Head of Legal and Estates sought a preventative injunction through the High Court following consultation with the Development Control Manager and the Vice Chair in accordance with the Scheme of Delegation. In accordance with the Scheme of Delegation, consultation with both the Chairman and Vice-Chairman was attempted.
- 4.2 On the 3<sup>rd</sup> March 2009 Counsel for Huntingdonshire District Council sought an injunction at the High Court before the Honourable Mrs. Justice Cox pursuant to section 187B of the Town and Country Planning Act 1990 to prevent an apprehended breach of planning control.
- 4.3 The injunction order was granted and forbids the defendants from:
- 1) Using the land for residential development including the occupation of caravans and mobile homes for residential purposes, storage of vehicles, caravan and residential paraphernalia.
  - 2) From undertaking any development on the land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning including the laying of hardcore and creation of hard standing and/or access roads.

- 4.4 A breach of the order is a contempt of court and anyone found guilty may be fined or imprisoned.
- 4.5 The same day the Enforcement Officer personally served the order on the owner and fixed notices on the site as instructed by the order.
- 4.6 No further development has taken place on site.
- 4.7 This report has been prepared in accordance with the Scheme of Delegation which, as of December 2008, requires an information report to be submitted to this Panel after an injunction has been sought.

## **5. RECOMMENDATION**

- 5.1 Members are invited to note the contents of this report.

### **Background Papers**

Enforcement file reference 0900041ENENG

**Contact Officer** – Enquiries about this report to Richard Siwicki – Planning Enforcement Officer Tel. 01480 388461.