

**PLANNING COMMITTEE DATE: 28<sup>th</sup> March 2018**

**Background**

Section 3 Table 4 Para 90 (x) of the Council's Constitution gives a Corporate Director the power (in cases of urgency in consultation with the Chairman of the Planning Committee) to issue injunction proceedings, such actions to be notified to the next scheduled meeting of the Planning Committee. The purpose of this report is to notify and update the Committee of proceedings which have been issued on behalf of the Council.

In May 2017 planning application F/YR17/0443/F was submitted for the change of use of the land at New Bridge Lane, Wisbech, to a 8 no. pitched travellers site, involving the siting of 8 x mobile homes and 8 x touring caravans with associated works. The application was refused planning permission on the 13<sup>th</sup> October 2017 by the Planning Committee and no appeal has been submitted.

During February 2018 enforcement officers visited the site and found evidence of working on the land, and in particular found that an excavator was working on the land, and an access had been cleared and fly-tipping pushed to one side to clear the road. Prior to this visit a Temporary Stop Notice had been served preventing works of preparation to establish a residential site. The Temporary stop Notice was due to expire on 19<sup>th</sup> March, and could not be renewed

On 12<sup>th</sup> March 2018 the Chairman of Planning Committee approved commencement of injunction proceedings to seek to prevent further unauthorised works, and proceedings were issued in the High Court on 13<sup>th</sup> March 2018.

**Proceedings**

The application was heard by the High Court on 20<sup>th</sup> March 2018, and the Court ordered the issue of an interim injunction.

Having read the evidence of both sides, and heard submissions from the Council, the Judge noted that different explanations had been given as to why work was carried out on site. Although the defendant, Mrs Smith, had offered an undertaking not to carry out any further works, the Judge felt that an interim injunction should be granted; the application was also made against Persons Unknown and, Mrs. Smith would not be prejudiced by having an injunction made against her in the same terms as any undertaking she might offer.

Given that there was a dispute of fact about what had happened, the Judge was not prepared to make a permanent injunction, and after some discussion, a date for the a full hearing of the Injunction was set for 13<sup>th</sup> June 2018. The question of costs was reserved for consideration at that hearing. We have arranged for a copy of the interim injunction to be served on Mrs Smith and posted on the site.