

## **Enforcement and Monitoring Update Report 2025**

To: Planning Committee

Date: 8 October 2025

From: Head of Planning

Electoral division(s): N/A

Purpose: To update Planning Committee on the work of the Enforcement and Monitoring team between 1 January 2025 and 1 September 2025.

Recommendation: The Planning Committee is requested to note the content of this report and provide feedback to officers on what information they would like presented in future reports.

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## 1 Introduction

- 1.1 The purpose of this report is to brief Planning Committee on the work of the Enforcement and Monitoring team within County Planning, Minerals and Waste (CPMW), which sits within the Environment, Planning and Economy service. The team is made up of the Principal Enforcement and Monitoring Officer / team leader, Monitoring and Control Officer and a Planning and Compliance Officer who also undertakes work within the development management function of CPMW determining planning applications.
- 1.2 The full Enforcement and Monitoring update report has historically been prepared and presented to Planning Committee on a quarterly basis, unless there are no items on the Committee agenda in which case the Chair approves postponing the report until the Committee next convenes.
- 1.3 The last full Enforcement and Monitoring update report was presented to members in February 2025 and covered the period 1 January 2024 to 31 December 2024. A shorter enforcement update report was brought before members on 5 March 2025 which only provided updates on the Notices served by the team in the period between the reports, in line with the reporting requirements in the Scheme of Authorisation to Officers.
- 1.4 The Council's Scheme of Authorisation to Officers gives delegated authority to officers to issue planning contravention notices, enforcement notices, stop / temporary stop notices and breach of condition notices, relating to breaches of planning control for mineral and waste development, provided that any action taken is reported to the Planning Committee thereafter. The Scheme of Authorisation can be found on the Council's webpages: [Place and Sustainability Scheme of Authorisation July 2025](#).
- 1.5 This report covers the full work of the team between 1 January 2025 and 1 September 2025. The structure of the report is: section 2 covers the complaints received and investigated by the team in the reporting period; sections 3 to 6 provide updates on the service of formal notices to address breaches of planning control; section 7 relates to appeals that are awaiting a decision from the Planning Inspectorate; sections 8 to 11 relate to Planning Contravention Notices (PCNS) served and, section 12 covers the proactive monitoring of mineral and waste sites.
- 1.6 All enforcement decisions referenced in this report have been taken in accordance with statutory requirements under the Town and Country Planning Act 1990 (as amended), the Council's Scheme of Authorisation, and with due regard to human rights and proportionality.
- 1.7 Members are invited to review the format and content of the report and give feedback on whether the content and level of information provided is sufficient and suggest amendments.

## 2 Complaints Received

2.1 Between 1 January 2025 and 1 September 2025 the CPMW team received 21 new complaints for investigation.

2.2 The CPMW team were already investigating an additional 11 preexisting complaints, giving a total of 32 complaints under investigation. At the time of writing this report, the status of the complaint investigations are:

- 6 cases where notices have been served, 3 of which have been appealed to the Planning Inspectorate (Section 7 of the report on Appeals).
- 8 cases are awaiting the submission or determination of a planning application which seeks to remedy the breach of planning control
- 2 cases where a report recommending formal enforcement action is currently being prepared or reviewed by Pathfinder Legal
- 10 cases remain under investigation.

2.3 During the reporting period, 6 complaints that were under investigation were able to be closed because either there was no breach to pursue or, following intervention by CPMW, the breach of planning control was remedied.

## 3 Formal Enforcement Action

3.1 For the purposes of the Town and Country Planning Act 1990 (as amended) the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking formal enforcement action.

3.2 All enforcement and breach of condition notices referenced in this report have been properly served in accordance with the requirements set out in the Town and Country Planning Act 1990 (as amended) and relevant statutory regulations. This section of the report section provides details of the investigations that led to the formal enforcement taken by CPMW within the reporting period

## 4 Enforcement Notice and Stop Notice: Beats Lodge, Murrow

4.1 Between 2020 and 2023 CPMW investigated unauthorised waste uses taking place at this rural site, without the necessary planning permission. As a result of the investigation a planning application, reference CCC/21/070/FUL was submitted for "Continued use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and erection of a demountable building". The application was refused in April 2022 owing to conflicts with policies in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP), highways, transport and access issues and the failure to provide sufficient information on matters including surface water drainage and biodiversity impacts and net gain. The full details of the planning application and the decision notice with the reasons for refusal can be found by inserting the planning reference into the search field on the Council's public access planning webpage: (<https://planning.cambridgeshire.gov.uk/online-applications/>).

- 4.2 The CPMW investigation was closed in September 2023 following site visits which confirmed that the waste uses had ceased and the grant of planning permission by Fenland District Council for the change of use of the land to a builder's yard.
- 4.3 In July 2024, the Environment Agency (EA) advised CPMW that waste was again being imported to the site for processing and a site visit confirmed that a crusher was being used to process waste. A letter was sent to the operator advising that further complaints had been received about activity at the site and that the importation, storage, processing of waste at the site should cease within 28 days otherwise officers would seek the authority to serve an Enforcement Notice (EN).
- 4.4 Following further reports about noisy activity at the site and the processing of waste material using a crusher, and correspondence with a representative for the site commissioned to assist with waste/environmental permit matters, on 4 September 2024, officers wrote to the operator to confirm that they were now seeking authority to serve an EN.
- 4.5 On 28 February 2025 an EN was served on the site and those with an interest in the land, the EN was accompanied by a Stop Notice requiring the cessation of the unauthorised waste activities. The EN was not appealed and therefore took effect from 31 March 2025.
- 4.6 Officers from CPMW visited the site on 2 April 2025 to check compliance with the formal notices and confirmed that the waste processing had ceased and the removal of waste from the land was taking place. CPMW officers conducted a further follow visit on the 8 August 2025 and found continued compliance and that considerable work had been undertaken to return the parcel of land to the rear of the site to a paddock.

## 5 Enforcement Notice: Slate Hall Farm, Lolworth

- 5.1 In February 2022, officers visited the above site and confirmed that inert waste was being imported, sorted and screened, without the necessary planning permission. The site had been registered with the Environment Agency (EA) as a waste Carrier, Broker, Dealer - Upper Tier and had an EA permit for this. Officers explained to the operator that operating a waste processing facility requires planning permission from the Council as the Waste Planning Authority (WPA) and also that a planning application waste uses would be contrary to the spatial constraints in Policy 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) 2021 which directs new waste uses to set urban areas. Notwithstanding the advice given, the operator advised that they would submit a request for pre-application planning advice.
- 5.2 The WPA's pre-application planning advice response letter, dated 27 September 2022 confirmed that the development was in conflict with the locational criteria in Policy 4 of the MWLP. The applicant advised that they still intended to submit a planning application to regularise the use of the site and would submit further information in support of the waste uses of the land and suggested that it would be premature to conclude that there was no reasonable prospect of the application being successful. Noting that the breach of planning control was not at risk of becoming immune from enforcement action and that there had been no complaints

received about the site, officers agreed to await the submission and outcome of a planning application before taking further action.

- 5.3 The application for planning permission for the waste uses at the site, reference CCC/24/004/FUL, was submitted on 16 January 2024 and refused on 14 February 2025 based on the conflict with Policy 4 of the MWLP which directs new waste uses to defined urban areas. The length of time taken to determine the application was to allow for all matters other than the conflict with the spatial policies in the Development Framework (such as biodiversity and surface water drainage matters) to be resolved.
- 5.4 On 22 May 2025 an Enforcement Notice was served on owners and operators of the site in relation to an unauthorised change of use of the land.
- 5.5 On 19 June 2025 an appeal was lodged with the Planning Inspectorate against the service of the Notice and on 15 August 2025 an appeal was lodged in relation to the refusal of planning permission. The Planning Inspectorate has advised that the appeal will be determined by way of an informal hearing but at the time of writing this report no date has been set for this.

## 6 Breach of Condition Notice: Dernford Farm, Sawston

- 6.1 Planning reference S/0201/16/CM the Council, as the Mineral Planning Authority, (MPA) granted permission for an agricultural reservoir, following the extraction of mineral from the above site. On commencement of the development, officers began proactively monitoring the site to check the progress of the development and compliance with the conditions. From November 2018 onwards, the MPA used the monitoring reports produced following site visits, and email correspondence to formally request the installation of the bird nesting deterrent measures on the island in the reservoir which was required by condition 32 of S/0201/16/CM. The condition was recommended as requirement of the Ministry of Defence (MOD) in order to ensure safety of aircraft from Duxford and Cambridge Airport by preventing bird strikes.
- 6.2 In January 2018, the MOD provided a detailed description of the type of bird mitigation measures they considered were required. In May 2019, the MPA provided the site with an illustrative plan of how the measures required by condition 32 of S/0201/16/CM should look.
- 6.3 The site was visited once a year and each monitoring report produced following the visit carried actions requiring the operator to install the bird mitigation measures required by condition 32.
- 6.4 On 25 January 2022, the MPA emailed the site owner to remind them of their obligation to comply with the requirements of condition 32 of S/0201/16/CM. On 3 May 2022, the MPA raised the requirement again at the annual site monitoring inspection, bringing it to the attention of a representative of Russell Smith Farms. A copy of the report highlighting the continued breach of condition 32 was sent to the same representative and it also highlighted that the operator was obliged, under condition 33, to complete the aquatic planting around the island.

- 6.5 On 18 May 2022, the MPA emailed the operator, to remind him that the bird nesting control measures so far undertaken were not effective and did not meet the requirements of condition 32 (and the Fourth Schedule of the Section 106 legal agreement) and that there might be a need to initiate formal enforcement action.
- 6.6 After the monitoring visit conducted on 4 December 2023, a report was sent to the operator on 19 December 2023 where the outstanding breaches of conditions 32 and 33 were highlighted and actions provided in order that the situation could be remedied.
- 6.7 The following monitoring report, for a site visit conducted on the 20 June 2024, also contained actions relating to replacement planting on site. During these visits and contained within the subsequent reports, the MPA have shown considerable patience advising and encouraging the operator to address these on-going non-compliances.
- 6.8 The MPA advised in the monitoring report to the operator on 5 November 2024 that if the required bird nesting prevention measures were not installed, it would now look to move forward with enforcement action. This was reinforced in an email to the operator, dated 11 November 2024.
- 6.9 Having given the owner/operator of the site reasonable time to address the on-going requirements of conditions 32 and 33, a Breach of Condition Notice (BCN) was served on owners and operators of Dernford Farm Reservoir on the 15 August 2025.
- 6.10 On 25 September 2025 officers visited the site and confirmed that the bird nesting deterrents were now in place and further site visits will be arranged to check that the aquatic planting has been installed.

## 7 Appeals

7.1 Appeals against the service of Enforcement Notices are determined by the Planning Inspectorate (PINS) on behalf of the Secretary of State. This section of the report provides updates on the appeals that have been submitted to PINS.

7.2 Land adjacent to Sandfield Bungalow, Mill Road, Fen Drayton

An Enforcement Notice was served 5 June 2024 following refusal of an application for a Certificate of Lawfulness for waste uses at the site. This was a complicated case where a number of certificate applications had been made in which the types of waste uses and activities that were claimed varied and the evidence that was provided to support the claims contained omissions and conflicts. The Council did not agree that the case for immunity had been made and the reasoning and decision were checked by Pathfinder Legal Services. The full details of the enforcement investigation that led up to this action can be found in previous enforcement and monitoring update reports to this Committee ([Council and committee meetings - Cambridgeshire County Council > Committees > Council Committees > Planning Committee](#)).

7.3 In response to a letter from CPMW dated 27 March 2025 querying the length of time taken to determine the appeal, PINS appointed an Inspector to determine the appeal. A site visit was conducted on 10 June 2025.

7.4 On 19 June 2025 PINS upheld the appeal and granted a Certificate of Lawful Use or Development (CLEUD) for the 'Storage of inert building site waste and occasional processing incidental thereto'. However, the Inspector considered that the evidence provided by the appellant supported the narrative of the appeal site having been used for the processing of waste materials for ten years preceding the application. The PINS decision letter is available on the [planning Public access pages](#) of our website, using the reference number: CLE/094/19.

7.5 Land behind Corkers Crisps, Willow Farm, Pymoor, Ely

Notice served 16 November 2023, appeal lodged 13 December 2023.  
Notice relates to waste uses at the site (deposit, processing and export).

CPMW sent a letter to PINS on 27 March 2025 asking for an update on the appeal and their response on 31 March 2025 was that:

*".....The Planning Inspectorate has been working to improve the handling times of appeals, focusing on specific areas at any given time. The handling times of planning appeals and more recently, enforcement and lawful development certificate appeals proceeding by the Inquiry or Hearing procedure, has improved significantly, with most appeals received and progressing this way, now being determined within 26 weeks. Unfortunately, this has meant an increased delay in determining enforcement and lawful development appeals proceeding by written representations. We do have a significant backlog of cases now waiting for a site visit by an Inspector.*

*May I please take this opportunity to apologise for the time it is currently taking to determine these appeals. We do appreciate the importance of progressing these appeals and I can assure you that the focus is now moving to reducing backlogs in this area too, concentrating our resources on the oldest cases first.*

*I'm afraid we are unable to respond to individual requests seeking updates on likely site visit dates for specific appeals. Our average handling times on GOV.UK provide a useful reference for how long appeals take from submission to decision. You are encouraged to seek to continue to explore opportunities with the Appellant to overcome or narrow the areas of dispute between you".*

7.6 Land at The Pig Unit, Harthay Farm, Thrapston Road, Ellington

Notice served 5 October 2023, appeal lodged 4 November 2023.  
Notice relates to waste uses at the site (deposit, processing and export).

As above, CPMW sent a letter to PINS on 27 March 2025 asking for an update on the appeal and their response on 28 March 2025 was the same as sent in relation to the Corkers Crisps site, that: there has been an increased delay in determining enforcement and lawful development appeals by written representations, PINS has a significant backlog of cases waiting for a site visit by an Inspector and they can't respond to requests seeking updates on specific appeals.

- 7.7 Advice from Pathfinder Legal Services is that there is a potential legal and reputational risk if appeals remain unresolved for extended periods, as prolonged delays may give rise to claims of unreasonable delay and could undermine the effectiveness of the Council's enforcement actions.
- 7.8 Officers from CPMW team continue to visit both sites and are working with the local district planning enforcement teams, to monitor activities taking place.

## 8 Planning Contravention Notices

- 8.1 During the monitoring period, 3 Planning Contravention Notices (PCN) have been served, details are in the sections below.

### Land at the junction of Goslings Drove and Two Pole Drove, Farcet

- 8.2 On 6 November 2024, the CPMW team received an allegation that a site at Goslings Drove, Farcet was operating as a waste transfer station. A site visit confirmed that large scale and organised processing of inert construction and demolition waste was taking place and there is no planning permission in force for waste uses at the site.
- 8.4 A PCN was served on both registered owners of the site on 12 February 2025 so that officers can establish all those with interest in the land and gather further information about the breach of planning control.
- 8.5 A PCN meeting took place followed by the return of the completed PCN's. The evidence in the PCN, along with further site visits have established that the unauthorised activity continues and a report seeking authority to proceed with formal legal action is nearing completion.
- 8.6 The CPMW team aim to serve an Enforcement Notice on owners and operators of the site in the near future. The report containing the evidence, environmental impacts and legal position will be sent to Pathfinder Legal Services for review.

## 9 Station Quarry, Steeple Morden

- 9.1 The quarry has planning permission, issued on 31 January 2024, to extract and export chalk, reference CCC/23/034/VAR. Condition 25A of the permission relates to the phased restoration and management of the quarry and requires:

*“Within 6 months from the date of this decision, full details of the first phase of the restoration scheme, in so far as it relates to the application area relating to Station Quarry shown edged red on drawing number CCC/SM1 dated December 1999 received 13 March 2000, together with a management scheme shall be submitted to and approved in writing by the Mineral Planning Authority.”*

- 9.2 Following the date by which the scheme should have been submitted, and after repeated requests for it from CPMW, on 5 February 2025 a PCN was served in

order to gather further information about the breach to inform whether it is necessary to pursue formal enforcement action.

- 9.3 On the 26 February 2025 the CPMW team received a completed PCN from the operator.
- 9.3 The CPMW team have met with the site operator to discuss and are awaiting the submission of a planning application to vary the existing permission and put forward a restoration scheme.
- 10 The Old Grain Silo, Flagrass Hill Road, March
- 10.1 In 2021, the CPMW team opened an investigation into whether the processing of construction and demolition (C&D) waste at the site needed planning permission. Officers contacted the operator of the site to advise of the need for planning permission to carry out waste processing activities.
- 10.2 Following a visit to the site, the landowner advised CPMW that he allowed wood waste to be brought onto site to be shredded and then taken elsewhere but would stop any waste coming onto the site.
- 10.3 No further activity was reported at the site until February 2024 when officers conducted an unannounced visit which confirmed that several stockpiles of waste including C&D waste, green and other waste (which contained metal angle fence posts and fencing) were on the site. Stockpiles of processed waste were also seen on site. The land owner was reminded that waste planning permission would be required for the waste uses on site, and even if an application were submitted, it would be unlikely to comply with the spatial policies in the MWLP. The land owner confirmed that no more groundworks material would be brought onto site, and that the focus of the site would be on farming. CPMW conducted a follow up visit on 6 March 2024. No further activity or importation of material could be seen.
- 10.4 A second follow up visit was conducted on 18 June 2024, after a complainant informed the CPMW team that a Waste Management company was registered at the site. During the visit it could be seen that further green and C&D waste had been imported and processed on site and a new pile of C&D waste stood where a previous stockpile of green waste had stood. On 19 June 2024 the operator was advised that further complaints had been received and if waste activity continued without the appropriate planning permission, further action would be taken.
- 10.5 A further follow up visit on 31 July 2024 confirmed that significant changes to the site had taken place over a relatively short space of time. Investigations continued and on 21 October 2024, a joint visit was conducted with officers from CPMW and the EA. The visit confirmed that the operator had an EA waste permit for the site but were reminded that there was no planning permission in force. The operator advised that he had commissioned an agent to prepare a planning application but was reminded of previous advice given that permission was unlikely to be granted. A PCN was served on the owners and operators of the site on 8 January 2025.

10.6 The response to the PCN stated that the operator had commissioned a planning agent to submit an application, a report recommending formal enforcement action is currently being drafted.

## 11 East Midlands Waste Management Limited, Saxon Pit, Whittlesey

11.1 On 18 May 2025 the CPMW team received a complaint that Incinerator Bottom Ash (IBA) from Johnsons Aggregates, who are authorised to recycle IBA into an aggregate within Saxon pit, was being sold to East Midlands Waste Management Ltd (EMW) and processed in the open next to a lagoon which discharges water into the Kings Dyke water course. The complainant alleged that this operation had been taking place since 15 May 2025.

11.2 On 22 May 2025, an email from the EA confirmed that EMW had obtained a permit from them to recycle metal at the Saxon Pit site and concerns were raised relating to the closeness of the lagoon to the IBA contaminated metals. The EA later confirmed that IBA material was stored close to the lagoon and it was suspected that processing of metal was taking place with the aid of a vehicular shovel.

11.3 On 26 June 2025 a site visit confirmed that metal recycling was taking place and that material was been put through a screener without any dust suppression. In addition, complaints and concerns about the levels of dust being emitted from the site and the storage of dusty material in the open next to a lagoon have been raised with CPMW and the EA.

11.4 Evidence confirmed that EMW were processing waste metal without planning permission and this was having a seriously detrimental impact on the amenity of the residents of Whittlesey living close to the site. The possible impact of the processing of material without mitigation near to the lagoon was also raised as a concern.

11.5 A Planning Contravention Notice (PCN) was served on owners/operators of the site on 21 July 2025 and returned on 22 August 2025. Although the unauthorised processing of waste has ceased, joint investigations with colleagues from the Environment Agency are ongoing.

## 12 Site Monitoring visits 1 January 2025 to 1 September 2025

12.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites and levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The fees are currently £504 for each visit to an active site and £168 for inactive or dormant sites, or one which is in restoration.

12.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits.

- 12.3 Between 1 April 2024 and 31 March 2025 (the last financial year), officers completed the 67 scheduled monitoring visits for the financial year.
- 12.4 The total income from the site visits conducted in the current (2025 – 26) financial year is expected to be in the region of £31,000.00.
- 12.5 Other sites that are the subject of waste planning approvals, such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission but these are not chargeable and so are undertaken using a risk based approach.