

**Enforcement of Planning Control  
Enforcement Item for Consideration  
Waveney Inn and River Centre, Burgh St Peter**  
Report by Head of Planning

**Summary:** This report concerns unauthorised development at the Waveney Inn and River Centre, Burgh St Peter.

**Recommendation:** That no further action be taken in respect of breaches 3.3 (a) – (e) and the Committee’s view is sought in respect of breaches 3.7 (a) – (d).

**Location:** Waveney Inn and River Centre, Staithe Road, Burgh St Peter, Beccles

## **1 Site and Location**

- 1.1 The Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services.
- 1.2 The holiday complex consists of a boatyard, holiday accommodation and a camping and caravan park. Facilities within the site include a public house with restaurant, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings. Holiday-hire boats and private boats moor up at the centre as well as day boats and the site operates a hire fleet. The site also has planning permission for 10 residential moorings.

## **2 Planning History**

- 2.1 The holiday complex at the Waveney Inn and River Centre has been established for some time, with much of the early development taking place around 2000. There has been a programme of expansion and updating in the last few years, with a number of planning applications submitted as detailed below.
- 2.2 In March 2011 planning permission was granted for the demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation. This permission was not implemented (BA/2010/0392/FUL).

- 2.3 In December 2012 planning permission was granted for new entrances, external cladding and window alterations to the Waveney Inn PH on the site (BA/2013/0329/FUL).
- 2.4 In November 2013 planning permission was granted, partly retrospectively, for six camping pods (BA/2013/0310/FUL).
- 2.5 In March 2014 planning permission was granted for the conversion of the existing shop to luxury apartment with re-location of shop to unused part of pub (BA/2013/0405/CU).
- 2.6 In September 2015, after a site visit at which it was found that development which had taken place in respect of the works to the Waveney Inn was not in accordance with the approved plans, retrospective planning permission was granted for a variation of condition 2 of BA/2013/0329/FUL to amend the approved drawings (BA/2015/0236/COND).
- 2.7 In September 2015, after a site visit at which it was found that development which had taken place in respect of the works to convert the former shop to holiday accommodation above was not in accordance with the approved plans, retrospective planning permission was granted for a non-material amendment to BA/2013/0405/CU for minor differences to the external appearance (BA/2015/0243/NONMAT).
- 2.8 In January 2016 planning permission was granted for the change of use of marina from leisure to mixed leisure and residential, with up to ten residential units. This application was part retrospective (BA/2015/0251/FUL).
- 2.9 In January 2016 planning permission was granted for an extension to the restaurant (BA/2015/0360/FUL).
- 2.10 In January 2016 planning permission was granted to replace a barn with an administration centre (BA/2015/0371/FUL).
- 2.11 In February 2016 a planning application was submitted to make changes to the development permitted under BA/2015/0251/FUL to remove six of the ten conditions applied (BA/2016/0064/COND). The proposal to remove condition 10 was approved but all other conditions were retained.
- 2.12 In March 2016 a planning application was submitted to make changes to the development permitted under BA/2015/0360/FUL. This covered amendments to the fenestration, variation of condition 2 covering the addition of an external patio and the removal of conditions 4 and 7 covering highways mitigation and specifying the use of the extension. This application was part retrospective and the variation of condition 2 and removal of condition 7 were approved, but the requirement for highways mitigation was retained (BA/2016/0088/COND).

### **3 The Planning Breaches**

- 3.1 Site visits in connection with the most recent planning applications and permissions have shown that some development which has recently taken place has not been in accordance with the planning permissions granted.
- 3.2 It has also been found that a number of pre-commencement conditions – these are planning conditions which need to be discharged formally before development commences – have not been discharged. It is the case that in some circumstances if a pre-commencement condition is not formally discharged prior to the commencement of works the development in its entirety will be unauthorised.
- 3.3 The works which have taken place are as follows:
- (a) Commencement of works to the restaurant extension (BA/2015/0360/FUL), with the development being constructed in accordance with amended plans which had not been approved at the time that works were taking place (BA/2016/0088/COND).
  - (b) The demolition of stables without the required prior approval being granted.
  - (c) Works to a concrete base, comprising raising and extending it, in order to accommodate the standing of two gas bottles, plus the standing of one further gas bottle.
  - (d) Construction of a retaining wall to the rear of the gas bottle storage area.
  - (e) The erection of fence posts of 1.3m tall on an elevation facing the public highway, where permitted development rights allow a height of 1m only.
- 3.4 It is considered that the works which have taken place constitute development for which planning permission is required.
- 3.5 There has been some correspondence with the landowner on the above matters. He does not agree that there have been breaches of planning control arguing, respectively
- (a) An application to vary the condition was submitted before the works started;
  - (b) This is accepted;
  - (c) This does not constitute development;
  - (d) This constitutes permitted development;

- (e) The fence posts are 'temporary' and will not be seen when the hedge grows up.
- 3.6 In a letter of 12 April 2016 the landowner was advised to submit a retrospective application to address the breaches, or a Certificate of Lawful Development (Proposed) application to establish formally whether planning permission is needed, but currently nothing has been received.
- 3.7 In addition to the above, which were the subject of the letter of 12 April 2016, the following matters should be noted which are in breach of planning conditions:
- (a) The permission for the camping pods was subject to a condition requiring a landscaping scheme to be agreed prior to commencement and for it to be completed either within one year of the installation of all six approved pods or two years from the date of the permission (11 November 2013), whichever is earlier (condition 4 of BA/2013/0310/FUL). No landscaping scheme has been submitted or implemented and both relevant timescales have passed. This development is therefore in breach of condition 3 of BA/2013/0310/FUL).
  - (b) The original permission for the new entrance and alterations to the reception and public house (BA/2013/0329/FUL) and the subsequent amended permission to regularise this (BA/2015/0236/COND) required the provision of demarcated parking spaces. The spaces have not all been demarcated as required by the permission and the development is being occupied in breach of condition 3 of BA/2015/0236/COND.
  - (c) The planning permission for the change of use of the shop to holiday accommodation had condition requiring agreement of details of any new signage to be provided on the Waveney Inn building prior to the first occupation of the new holiday accommodation (condition 4 of BA/2013/0405/CU). The accommodation has been occupied since at least summer 2015 and details of the signage have been requested, but not received. This development is being occupied in breach of condition 4 of BA/2013/0405/CU.
  - (d) The permissions granted in January and April 2016 (BA/2015/0251/FUL and BA/2016/0064/COND) for ten residential moorings both required certain details to be agreed either prior to the first use any residential mooring or within two months of the date of the permission, whichever is earlier. These timescales were considered appropriate as it is known there are existing moorings occupied by residential vessels. Either of these permissions could be implemented and no application has been submitted to discharge the relevant conditions. Therefore, if moorings are being occupied by residential vessels and this is believed to be the case, then the relevant conditions are being breached (conditions 5, 6, 9 and 10 of BA/2015/0251/FUL or conditions 5, 6 and 9 of BA/216/0064/COND).

- 3.8 The landowner has indicated that he intends to submit an appeal against a number of the conditions imposed on the permission for residential moorings, but currently no appeal has been received.

#### **4 Action Proposed**

- 4.1 The Government recognises the importance of effective planning enforcement. National policy around planning is set out in the National Planning Policy Framework (2012) and in respect of planning enforcement is clear in paragraph 207 that:

*“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”*

- 4.2 Further to this, the Broads Authority has recently prepared a local Enforcement Plan, which sets out its approach to planning enforcement. It outlines the four main principles it will be guided by when looking at unauthorised development – expediency, proportionality, consistency and negotiation. These will be used when deciding whether or not to take any action in respect of a planning breach. It should be noted that enforcement action is not mandatory, but is at the discretion of the LPA and the LPA must decide whether or not it is expedient to take such action, having regard to the provisions of the development plan and to any other material considerations. In determining expediency, an LPA needs to be mindful of the harm that is being caused by the breach and the acceptability in planning terms of what is being undertaken.
- 4.3 In this case, the planning breaches which have occurred and are listed at 3.3 (a) – (e) above are minor and the unauthorised developments which have taken place are not intrinsically unacceptable, nor are they in conflict with development plan policies. There are no material considerations which override the above policy provisions and were an application to be submitted it is likely that planning permission would be granted. As can be seen from the planning history above, retrospective permissions have previously been granted on this site and it is regrettable that the landowner has declined to take this approach this time.
- 4.4 There are no over-riding issues of public interest which indicate that action should be taken to remedy the breach.

- 4.5 In summary, it is therefore considered there are no grounds on which to argue that enforcement action is currently expedient in respect of breaches (a) – (e). It is recommended that no further action is taken.
- 4.6 With respect to breaches 3.7 (a) – (d), these are all matters which need to be resolved in order to make the developments which have taken place acceptable. The view of the Planning Committee is sought on what approach to take.
- 4.7 It should be noted that the reason this matter is referred to Planning Committee is because the landowner is a member of the Navigation Committee and that usually these judgements would be made at officer level.

## **5 Financial Implications**

- 5.1 There are currently no known legal costs associated directly with this course of action.

Background papers: Previous planning applications

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Appendices: APPENDIX 1 - Site plan

## APPENDIX 1

