

Enforcement Update
Report by Head of Development Management

Summary: This table shows the monthly updates on enforcement matters.

Recommendation: That the report be noted.

1 Introduction

1.1 This table shows the monthly update report on enforcement matters.

Committee Date	Location	Infringement	Action taken and current situation
7 December 2007 23 April 2010	South side of Thorpe Island (New Cut)	Unauthorised mooring of vessels	<ul style="list-style-type: none"> • Authorisation to serve any necessary notices following legal advice • Site meeting with Network rail on the 9 April 2010 • Authorisation to take enforcement action following legal advice • Network Rail have been provided boat owner details under Data Protection Act and are writing directly to those concerned • 22 July 2010 Network Rail advises that procedures are underway to send out notices to quit the land • Network Rail issued Trespass Notices w/c 22 November 2010

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			<ul style="list-style-type: none"> • Network Rail re-issuing Trespass Notices w/c 17 January 2011 • Network Rail procedures underway • Trespass Notices and Injunctions served
5 December 2008	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> • Temporary Stop Notice served on 10 and 11 November 2008 and Enforcement Notice served on 12-11-08 • Compliance required by 11-01-09 • Authorisation granted to initiate prosecution proceedings should compliance not be achieved • .Landowner served with a Section 330 Notice on 11 August 2011 • Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011. • Appeal lodged 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • Decision received 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings. • Challenge to decision filed in High Court 12 July 2012 • High Court date 26 June 2013 • See report elsewhere on Agenda
23 April 2010 21 May 2010	Land at OS4229 at North End,	Unauthorised storage of non-	<ul style="list-style-type: none"> • Temporary Stop Notice issued on 22 April 2010 • Enforcement action authorised requiring removal of non-

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	Thurlton	agricultural items	<p>agricultural items and other structures and materials from the site. Authority to prosecute and reclaim costs if non-compliance not achieved</p> <ul style="list-style-type: none"> • Site meeting held 26 May 2010 to discuss options for usage of land. Land owner agreed to remove abandoned vehicles in next 3 weeks. Situation being closely monitored • Land has been partially cleared but vehicles remain • Site visit to be arranged with land owner to discuss options for land usage • Further site visit required • Fencing to screen site constructed under permitted development. Vehicles and other materials remain on-site. • Site being monitored and discussions on going with other regulatory bodies • Stop Notice and Enforcement Notice served on 1 February 2011. Environment Agency investigating potential pollution from unauthorised waste storage on the site • Compliance to be achieved by 26 April 2011 • Site visit 6 May 2011 showed compliance not achieved. • Further site visit 21 June 2011 showed compliance not achieved • Prosecution papers being prepared • Section 16 Notice served 15 September 2011 as precursor to prosecution • Response to Section 16 Notice advises site cleared. Inspection proposed • Inspection on 26 October showed compliance not achieved • Prosecution request submitted 26 October 2011

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12 October 2012			<ul style="list-style-type: none"> • Site visit to be undertaken pursuant to conditional caution. • Conditional Caution issued 8 March 2012 • Compliance with Conditional Caution to be checked • Meeting to be arranged with landowner to discuss compliance • Site visit took place 21 May 2012. Some clearance has occurred • Case subject of review – Report on agenda 12 October 2012 • Authority given to officers in consultation with the Solicitor to explore the feasibility of direct action for failure to comply with the requirements of the Enforcement Notice • Enforcement Notices to be re-served, on advice of Solicitor
4 February 2011	Land adjacent to Pallet Yard, Old Station Road, Geldeston Road, Ellingham	Unauthorised change of use of land for storage of vehicles/scrap	<ul style="list-style-type: none"> • Enforcement Action authorised 4 February 2011 • Enforcement Notice served 15 February 2011 with compliance dates of 15 June 2011, 15 September 2011 and 15 December 2011 to clear site, restore site and implement landscaping scheme respectively • Appeal documents received 11 March 2011 • Appeal to be determined by Inquiry: 4 October 2011 • Appeal against Enforcement Notice withdrawn • Negotiated solution under discussion • Case to be reviewed in Mid March • Final deadline given for completion of s106 Agreement • S106 not completed. Prosecution authorised 12 April 2012 • Date for Court Hearing 8 November 2012 • Summons issued

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			<ul style="list-style-type: none"> • Date for Court Hearing 13 December 2012 • Some site clearance achieved and agreement to complete S106 • Court Hearing adjourned to 10 January 2013 • Further site clearance achieved, agreement to complete S106 and negotiations on planting • Court Hearing adjourned to 14 February 2013 • Negotiated solution reached and S106 completed • Prosecution withdrawn
4 November 2011	Plots 38 and 39 Crabbett's Marsh, Horning	Unauthorised Development of piling	<ul style="list-style-type: none"> • Authority given for Enforcement Notices to be served • Enforcement Notice served 18 November 2011 • 19 December 2011 meeting with landowner • Appeal submitted start date 3 February 2012 • Appeal dismissed and Enforcement Notice upheld with corrections – 13 August 2012. Compliance required by 13 October 2012 • Compliance not achieved • Authority given for prosecution 9 November 2012 • Prosecution papers filed
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container.	<ul style="list-style-type: none"> • Authority to carry out any necessary Enforcement Action including the serving of Enforcement Notices subject to consultation with the Solicitor, requiring the removal of fencing, the standing of the storage container and the importation of material and land raising • Seeking voluntary compliance • Enforcement Notices served in respect of fence and storage container 26 October 2012 • Enforcement Notices withdrawn and voluntary compliance being sought.

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			<ul style="list-style-type: none"> • Site to be inspected to check compliance
17 August 2012	No. 1 and No.2 Manor Farm House, Oby	Unauthorised work to a Grade II Listed building.	<ul style="list-style-type: none"> • Authority to serve a Listed Building Enforcement Notice if voluntary compliance is not achieved • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Seeking voluntary compliance • Meeting with landowner 3 October 2012 • Landowner seeking to have building de-listed
7 December 2012	The Old Grainstore, Wainford Road, Bungay	Unauthorised subdivision of property - Breach of planning permission BA/2008/0270/CU	<ul style="list-style-type: none"> • Authority to serve Enforcement Notice to secure removal of unauthorised development if voluntary compliance not achieved • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Section 330 Notices served 13 December 2012 • Responses to S330 Notices received
4 January 2013	Fleet Farm, Acle New Road, Halvergate	Unauthorised construction of stable without planning Permission.	<ul style="list-style-type: none"> • Authority to serve Enforcement Notice to secure removal of stables if voluntary compliance not achieved. • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Section 330 Notices served
4 January 2013	Plots 16 – 18 Woodlands way, Crabbetts Marsh, Horning	Unauthorised works to trees protected by a TPO	<ul style="list-style-type: none"> • that authorisation be granted to commence proceedings against the landowner and / or any other person responsible for felling or causing to be felled six trees protected by TPO BA/2009/0104/TPO, if in the opinion of the solicitor there is sufficient evidence available to support

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			this action <ul style="list-style-type: none"> • Prosecution papers under preparation

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith
Date of report: February 2013

Appendices: Nil