

**Enforcement of Planning Control**  
**Enforcement item for Consideration: Burgh Castle**  
**Unauthorised Construction of Buildings**  
Report by Report by Head of Development Management

<b>Summary:</b>	This report concerns the construction of buildings, purportedly for agricultural use, and standing of structures without planning permission on land at Burgh Castle
<b>Recommendation:</b>	That authorisation is granted for the serving of an Enforcement Notice seeking removal of the building and reinstatement of the land and for prosecution (in consultation with the solicitor) in the event that the enforcement notice is not complied with.

**Location:** Land to rear of Bishy Barneybee, Back Lane, Burgh Castle

**Breach of Planning Control:** Construction of barn and other buildings, plus standing of structures, without planning permission.

## **1 Background**

- 1.1 In January 2014 the Broads Authority received reports of a building being constructed on land to the rear of Bishy Barneybee in Burgh Castle, plus allegations that this was associated with a shooting syndicate which were about to commence operations locally.
- 1.2 The matter was investigated and it was found that a number of buildings and other structures have been erected. Whilst there has been a lot of concern locally about the allegedly proposed shooting operation, no evidence has been found to demonstrate that shooting has taken place (or is proposed).
- 1.3 In February 2014 the landowner was served with a Planning Contravention Notice (PCN) to ascertain his intentions for the site. This confirmed that no shooting had taken place. The landowner's agent has advised in discussions in March and April that the buildings are for agricultural use only, that they represent mainly a repair to buildings previously on site and that there is no proposal to introduce commercial scale shooting. He also advised that if the buildings were found to be unauthorised then they would be removed.
- 1.4 There has been a high level of local concern about the site. In April 2014 the matter was discussed at a Parish Council meeting which was attended by over 100 people, indicating the level of concern. At this meeting it was agreed

that the landowner be approached, through his agent, and asked to enter into an undertaking regarding the scale and frequency of shooting on the adjacent land in order to allay local concerns.

- 1.5 The landowner's agent has been contacted on a number of occasions since mid April 2014, but has not responded to the communications regarding either the undertaking on shooting or the unauthorised buildings and other structures.

## **2 Description of site and development**

- 2.1 Back Lane, Burgh Castle runs to the south of Burgh Castle marshes and effectively forms the boundary of the open marshes which are a strong characteristic feature of the southern side of Breydon Water. There are a number of residential properties to the northern side of Back Lane, whilst to the south it is mainly lined by the gardens of the properties on High Road which runs parallel to Back Lane. To the north of Back Lane the land stretches out into Burgh Castle marshes which comprise open grazing marsh which extends up to Breydon Water approximately 1 kilometre to the north.
- 2.2 Midway along Back Lane is Bishy Barneybee, a detached residential dwelling set in a reasonable curtilage which is bounded to the north by a dyke which runs on an east to west alignment. There is a farm track to the east of Bishy Barneybee, which gives access to the marshes and to the land to the rear of the property.
- 2.3 At the rear of the property the following building and structures have been erected:
- 1 x large, open-fronted building measuring approximately 9m x 17m x 6m high, which is being used for storage
  - 1 x workshop attached to the above building, measuring approximately 4m x 7m x 3m high, which is being used for storage of wood, cages and equipment
  - 1 x open building located to the east of the workshop and containing a large freezer unit
  - 1 x kennel structure located to the east of the workshop and freezer building, divided into 3 x runs with dogs
  - 1 x poultry coop measuring approximately 6m x 3m x 2m high located to the north of the workshop building
  - 1 x poultry coop measuring approximately 6m x 6m x 1.5m high and located some 20m north of the workshop building
  - 2 x oil containers located on the southern boundary of the northern plot, adjacent to the boundary dyke with Bishy Barneybee
  - 1 x red railway-type wagon and 1 x green metal container located to the west of the oil containers
- 2.4 No planning permission has been granted, nor has planning permission been sought for the above developments.

### **3 The Planning Breach**

- 3.1 The erection of these buildings and the standing of the structures listed is development for which planning permission is required. There are 'permitted development rights' which apply to agricultural buildings in certain circumstances however these rights do not apply here. This is because, firstly this is not an agricultural unit, secondly there is no evidence to demonstrate that the buildings are reasonably necessary for purposes of agriculture here and thirdly there is a procedure which applies in such circumstances and it has not been followed here and cannot be applied retrospectively. The buildings are not within the domestic curtilage to Bishy Barneybee so do not benefit from householder 'permitted development rights'.
- 3.2 There is a general policy presumption against new development in the countryside and any development which is allowed should not have a detrimental effect on any feature of landscape importance. The buildings and structures which have been erected are located within the open countryside and do have a detrimental impact on the appearance of the landscape here; the development is therefore contrary to development plan policy.

### **4 Action Proposed**

- 4.1 It is proposed to serve an Enforcement Notice requiring the removal of the buildings and structures and the restoration of the site to its previous use. It is proposed that a compliance period of 3 months is given.
- 4.2 Authority is also sought to prosecute the owner in the event that the Enforcement Notice is not complied with.

### **5 Financial Implications**

- 5.1 There may be legal costs associated with this course of action.

Background Papers: Broads Authority DC Enforcement File  
BA/2014/0004/UNAUP4

Author: Cally Smith

Date of Report: 27 June 2014

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2014/0004/UNAUP4 Bishy Barnabee U/A erection of building/barn

