

Enforcement of Planning Control
Enforcement Item for Consideration: Bathurst, Potter Heigham
Report by Planning Officer (Compliance and Implementation)

- Summary:** This report concerns the unauthorised installation of decking at a riverside property in Potter Heigham
- Recommendation:** That authorisation is granted for any necessary enforcement action to secure the removal of the decking and the restoration of the site to its condition prior to the installation of the decking
- Location:** 'Bathurst' PH51North East Riverbank, Potter Heigham

1 Background

- 1.1 On 22 July 2014 the Authority was made aware that an area of new decking had been installed at the riverside property 'Bathurst' PH51North East Riverbank, Potter Heigham.
- 1.2 A site visit was made on 31 July 2014. This showed that extensive decking had been installed forward of the property up to the riverbank which could not be considered as permitted development under the General Permitted Development Order (GPDO) and therefore required planning approval.
- 1.3 On 1 August 2014 a letter was sent to the property owner advising that planning approval was required and that a retrospective application for the decking in its current form was unlikely to be successful due to its extent and location and the effect on the character of the riverbank.
- 1.4 On 10 August 2014 a letter was received from the owner disputing the need for planning approval and asserting that the decking was permissible under the GPDO.
- 1.5 On 22 August 2014 a letter was sent by the Authority clarifying why the decking was not allowable under the GDPO and why retrospective planning was unlikely to be approved.
- 1.6 A further letter was received from the property owner on 28 August 2014 explaining that his partner was a wheelchair user and the decking was required in order for her to access the property's garden and safely board their boat. In his letter the owner continued to maintain his view that planning approval was not required for the decking. The owner also advised that the

matter was now to be dealt with by the River Thurne Tenants Association (RTTA).

- 1.7 On 26 September 2014 a letter of introduction was received from the RTTA. This letter set out the reasons why the RTTA also considered the installation of the decking to be Permitted Development (PD) and therefore did not require planning approval.
- 1.8 The Authority wrote in response to RTTA on the 9 October 2014 setting out why it considered the decking not to be PD and therefore required planning approval and why it was unlikely to gain planning approval in its current form.
- 1.9 The RTTA wrote to the Authority again on 13 October 2014 questioning the Authority's interpretation of the GDPO.
- 1.10 On 30 October 2014 a further letter was sent to RTTA clarifying why the Authority considered the decking required planning approval and why it was unlikely to gain approval in its current form. In this letter the owner was given 30 days to submit a valid planning application for the decking in a modified form or remove the decking or face more formal enforcement action. As of 11 December 2014 the decking remained in situ

2 Description of Site and Development

- 2.1 Potter Heigham is one of the larger Broadland villages being located on a busy reach of the River Thurne. The village with its medieval bridge is an important focus for boating, shopping and visitors to the Broads.
- 2.2 Bathurst is located in a prominent position on the River Thurne adjacent to the Potter Heigham by-pass bridge.
- 2.3 The decking is of a wooden construction and fills the entire area between the front of the chalet and the riverbank. It is considered that the extent and location of the decking is out of character with the surroundings and is unlikely to gain retrospective planning permission

3 The Planning Breach

- 3.1 The GDPO allows householders to undertake small forms of development such as the installation of decking without the need to gain full planning permission, but subject to certain criteria. One of the principle requirements is that development is not permitted forward of a wall forming the principle elevation of a dwelling house. For planning purposes the principle elevation of this property is considered to be the elevation that faces the river. In this instance the decking has been constructed between the front wall of the dwelling and the riverbank so is not PD.
- 3.2 The development is contrary to Policy POT2 of the Development Plan. It is the intention of this policy to restrict domestic development favouring the small scale and more open character of the riverside plots. The front lawns add

significantly to the character of the plots and when existing, reduce the visual impact of the fairly built up banks. It is therefore preferable to see as much open and green space on plots as possible. There is a general policy presumption against the extent of decking which has currently been installed and which effectively presents a fully decked frontage to the property

- 3.3 It is appreciated that these riverside plots often have an associated mooring facility. It is therefore not considered wholly uncharacteristic to have structures like decking by the water to create a safe at level access for boats. It has been suggested to the owner that he might like to submit an application for a reduced more acceptable scheme

4 Action Proposed

- 4.1 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the decking. It is proposed that a compliance period of three months is given. 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.

6 Conclusion

- 6.1 That authority is given for officers to take appropriate enforcement action in respect of this breach of planning control

Background Papers: Broads Authority DC Enforcement Files: BA/2014/0034/UNAUP2

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Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

