

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

DOCUMENT ①

ENFORCEMENT NOTICE

7 NOVEMBER 2011

ISSUED BY:- THE BROADS AUTHORITY of Dragonfly House, 2 Gilders Way, Norwich, Norfolk, NR3 1UB (the "Authority")

1 THIS NOTICE is issued by the Authority because it appears to them that there has been a breach of planning control within paragraph (a) of Section 171A(1)(a) of the Town and Country Planning Act 1990, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2 THE LAND TO WHICH THE NOTICE RELATES

The Land at the west side of Thorpe Island, Norwich shown edged in red on the attached plan ("the site").

3 THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the construction and installation of two jetties in the approximate position marked with cross A on the attached plan, the erection or standing of a green metal storage container in the approximate position marked with cross B on the attached plan the use of part of the land for the standing of motor engines in the approximate position marked with cross C on the attached plan and the change of use of the site for the mooring of boats.

4 REASONS FOR ISSUING THIS NOTICE

The construction and installation of the jetties, the erection or standing of a green metal storage container, the standing of motor engines and the change of use of the site for the mooring of boats require planning permission.

The construction and installation of the jetties has taken place in the last 4 years.

The erection or standing of a green metal storage container has taken place in the last 4 years

The standing of motor engines has taken place in the last 10 years.

The use of the site for mooring has taken place in the last 10 years.

The development and use of the site for a mooring basin and buildings under planning permission BF 8095 dated 4th April 1967 has been abandoned.

The development is contrary to the following development plan policies:

Policy C 1 of the adopted Broads Core Strategy (2006) allows development only where it would protect, enhance and restore the environmental and cultural assets of the Broads' distinctive landscape; and

Policy B7 of the adopted Broads Local Plan (1997) permits new development in Conservation Areas only where it will preserve or enhance the character or appearance of the Conservation Area; and

Policy B11 of the adopted Broads Local Plan (1997) permits development only where its scale, form, design, external materials and colour would be appropriate to its setting.

Policy TSA 2 of the adopted Broads Local Plan (1997) does not permit development on this part of Thorpe Island, which lies outside the existing boatyard at the eastern end of the island.

The Authority does not consider that planning permission should be granted since planning conditions could not overcome the material planning objections.

5 WHAT YOU ARE REQUIRED TO DO

- (a) to cease the use of the basin for the mooring of boats and remove the boats from the basin; and
- (b) to remove all the jetties and to restore the land to its condition as prior to the development; and
- (c) to remove the motor engines and to restore the land to its condition as prior to the development
- (d) to remove the green metal storage container and to restore the land to its condition as prior to the development

6 TIME FOR COMPLIANCE

- (a) 2 weeks from the date this Notice takes effect to cease the use of the basin for the mooring of boats and remove the boats from the basin; and
- (b) 3 weeks from the date this Notice takes effect to remove all the jetties, and to restore the land to its condition as prior to the development.
- (c) 1 week from the date this Notice takes effect to remove all the motor engines and to restore the land to its condition as prior to the development.
- (d) 2 weeks from the date this Notice takes effect to remove the green metal storage container and to restore the land to its condition as prior to the development

7 WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 6 December 2011, unless an appeal is made against it beforehand.

Signed..........

Dated 7 November 2011

Authorised Officer on behalf of Broads Authority, Dragonfly House, 2 Gilders Way, Norwich, Norfolk, NR3 1UB

ANNEX

A summary of section 171A 171B and sections 172 to 177 of the Town and Country Planning Act 1990 is attached.

Your Right of Appeal

The grounds of appeal under section 174 are summarised below.

The following persons have been served with a copy of this notice:

- Company Secretary, Cayenne Marine Ltd
- Mr Roger Wood
- Horning Pleasurecraft Ltd
- Mr Darren French
- Mr Paul Kent
- Mr David Simpson Mare
- Mr Norris Argyrou
- Mr Edward Day
- Ms Meryl Reeves
- Mr J R Sutton
- Mr Ronald Bird
- Mr Jason Lee
- Mr Adrian Miller
- Mr T Hallam
- Mr David Haggis
- Mr Nicholas D Cox
- Mr Philip Carway

What happens in you do not appeal

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of this notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Broads Authority.

TOWN AND COUNTRY PLANNING ACT
SECTIONS 171A 171B and 172 TO 177
SUMMARY

Section 171A

Carrying out development without planning permission or failing to comply with planning conditions is a breach of planning control and issuing of an enforcement notice of the breach or a condition notice is the taking of enforcement action.

Section 171B

Enforcement action cannot be taken in respect of operation development if four years have elapsed after the operations were completed.

Enforcement action cannot be taken for the change of use of a building to use as a single dwelling house after four years have elapsed from the change of use.

With respect to any other breach of planning control enforcement action cannot be taken after the end of 10 years beginning with the date of the breach.

Section 171C

Local authorities have power to serve a planning contravention notice requiring information about activities on land.

Section 171D

The penalty for non-compliance with the planning contravention notice is a fine not exceeding £1000.

Section 172

A local planning authority can issue an enforcement notice when it appears to them that it is expedient to do so having regard to the development plan and to any other material considerations.

They are required to serve a copy on the owner, occupier and any other person having an interest in the relevant land.

This service shall take place not more than 28 days after the notice has been issued and not less than 28 days before it is to take effect.

Section 173

An enforcement notice shall state the matters which appear to the local planning authority to constitute the breach of planning control and whether it is development without permission or in breach of a condition.

The notice shall specify the steps which the authority require to either remedy the breach which has taken place or to remedy any injury to amenity which has been caused.

The enforcement notice must specify the date on which it is to take effect and the period allowed for any required steps to be taken.

Section 173A

A local planning authority may vary or withdraw an enforcement notice.

Section 174

A person having an interest in the land to which an enforcement notice relates or another occupier can appeal to the Secretary of State against the notice whether or not a copy of it has been served on them.

The grounds for appeal are as follows:

- a) That planning permission should be granted, or a condition or limitation discharged.
- b) That the matters alleged in the notice have not occurred.
- c) That those matters do not constitute a breach of planning control.
- d) That on the date when the notice was issued it was too late to take enforcement action in respect of those matters.
- e) That copies of the notice have not been served as required by Section 172.
- f) That the steps required to be taken exceed what is required to remedy any injury to amenity.
- g) That the time allowed for compliance is too short.

Any appeal has to be by written notice to the Secretary of State and an appellant is required to specify the grounds on which the appeal is made and give any other information which may be prescribed.

Section 175

The Secretary of State has by regulations prescribed the procedure to be followed on appeals under Section 174.

Section 176

On an appeal the Secretary may correct any defect in the notice, vary it or quash it.

He may also dismiss the appeal.

Section 177

On an appeal the Secretary of State may grant planning permission for all or some of the matters stated in the enforcement notice as constituting a breach of planning control or discharge any condition subject to which planning permission was granted or determine whether any existing use of land or any operations or any failure to comply with a condition is lawful.



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372
Switchboard 0117-372 8000
Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

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