

**Enforcement Update**  
Report by Head of Planning

**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.

<b>Committee Date</b>	<b>Location</b>	<b>Infringement</b>	<b>Action taken and current situation</b>
5 December 2008	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> <li>• Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011</li> <li>• Appeal lodged 6 December 2011</li> <li>• Public Inquiry took place on 1 and 2 May 2012</li> <li>• 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</li> <li>• Challenge to decision filed in High Court 12 July 2012</li> <li>• High Court date 26 June 2013</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed</li> <li>• “Consent Order “has been lodged with the Courts by Inspectorate</li> <li>• Appeal to be reconsidered (see appeals update for latest)</li> <li>• Planning Inspector’s site visit 28 January 2014</li> <li>• Hearing held on 8 July 2014</li> <li>• Awaiting decision from Inspector</li> <li>• Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers)</li> <li>• Planning Contravention Notices issued to investigate outstanding breaches on site</li> <li>• Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge)</li> <li>• Acknowledgment of Service filed 16 December 2014. Court date awaited</li> <li>• Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate</li> <li>• Appeal submitted to PINS in respect of Section 73 Application for non-determination</li> <li>• <b>Section 288 challenge submitted in February 2015.</b></li> <li>• <b>Court date of 19 May 2015.</b></li> </ul>
23 April 2010	Land at OS4229 at North End, Thurlton	Unauthorised storage of non-agricultural items	<ul style="list-style-type: none"> <li>• Enforcement Notices re-served on 25 February 2013, on advice of Solicitor</li> <li>• Appeal against Enforcement Notice received. Hearing requested</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
10 October 2014			<ul style="list-style-type: none"> <li>• Written representations appeal in process</li> <li>• Planning Inspector's site visit 8 January 2014</li> <li>• Appeal dismissed</li> <li>• Compliance required by 18 January and 15 April 2014</li> <li>• Site visit 11 March showed limited clearance undertaken</li> <li>• Extension of time for compliance to 30 April 2014 agreed by Committee on 28-03-14</li> <li>• Full Compliance not achieved</li> <li>• Authority given at 23 May meeting to commence prosecution proceedings in consultation with the Solicitor</li> <li>• Solicitor instructed and prosecution papers in preparation</li> <li>• Appellant interviewed 11 July and committed to full clearance by 8 August. Site to be monitored.</li> <li>• Site not cleared, but good progress being made</li> <li>• Fence not removed. Authorisation to take direct action</li> <li>• Contractor instructed</li> <li>• Direct action taken 6 November 2014 and fence removed.</li> <li>• <b>Seeking recovery of costs</b></li> <li>• <b>Costs of direct action paid. Case to be closed.</b></li> </ul>
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"> <li>• Enforcement Notice served in respect of trailer on 25 September 2013.</li> <li>• <b>Compliance required by 11 November 2015</b></li> </ul>
8 November 2013	J B Boat Sales, 106 Lower Street,	Unauthorised building of new	<ul style="list-style-type: none"> <li>• Authority for serving an Enforcement Notice in consultation</li> </ul>

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	Horning	office not in accordance with approved plans	<p>with the solicitor requiring the removal of a prefabricated building and restoration of site, with a compliance period of three months. Authority to prosecute in the event of non-compliance</p> <ul style="list-style-type: none"> <li>• Enforcement Notice served 19 November 2013</li> <li>• Compliance required by 6 April 2014</li> <li>• Negotiations underway regarding planning application.</li> <li>• Compliance not achieved and no application submitted</li> <li>• Solicitor instructed to commence Prosecution proceedings</li> <li>• Case to be heard in Norwich Magistrates Court on 28 January 2014</li> <li>• <b>Case adjourned to 25 February 2015.</b></li> <li>• <b>Planning application received 13 February 2015 and adjournment to be requested for Hearing.</b></li> </ul>
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> <li>• Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with.</li> <li>• Planning Contravention Notice served</li> <li>• Negotiations underway</li> <li>• Planning Application received</li> <li>• <b>Planning permission granted 12 March 2015. Operator given six months for compliance.</b></li> </ul>
10 October 2014	Land at Newlands Caravan Park, Geldeston	Unauthorised Erection of structures comprising	<ul style="list-style-type: none"> <li>• landowner to be invited to submit a planning application for the unauthorised structures</li> <li>• if no planning application is submitted within three months, authority granted to serve an Enforcement Notice in</li> </ul>

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		toilet/shower unit, open fronted storage building and small shed	<p>consultation with the Solicitor requiring the removal of the unauthorised structures with a compliance period of three months</p> <ul style="list-style-type: none"> <li>• authority given to proceed with prosecution of the owner should the enforcement notice not be complied</li> <li>• Deadline of 15 January 2015 for receipt of valid application</li> <li>• <b>No application received at 15 January 2015</b></li> <li>• <b>Negotiations underway with landowner</b></li> <li>• <b>Site visit indicated further breaches of planning control</b></li> <li>• <b>Some further clearance, further negotiations underway.</b></li> </ul>
5 December 2014	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> <li>• Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015</li> <li>• <b>Site to be checked 1 November 2015</b></li> </ul>

## 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: 18 March 2015

Appendices: Nil