

**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
21 August 2015			<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>• Section 288 challenge submitted in February 2015</li> <li>• Court date of 19 May 2015</li> <li>• Awaiting High Court decision</li> <li>• Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld</li> <li>• Authority granted to seek a Planning Injunction subject to</li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
<p data-bbox="203 363 427 400">9 October 2015</p> <p data-bbox="203 954 443 991">5 February 2016</p>			<p data-bbox="1160 256 1335 293">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1115 296 2007 368">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015</li> <li data-bbox="1115 371 2007 515">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container</li> <li data-bbox="1115 518 1980 590">• Leave to appeal against High Court decision refused on 9 October 2015</li> <li data-bbox="1115 593 1917 665">• Request for oral hearing to challenge Court of Appeal decision filed 2015</li> <li data-bbox="1115 668 1962 740">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016</li> <li data-bbox="1115 743 1980 855">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river</li> <li data-bbox="1115 858 1458 895">• Site being monitored</li> <li data-bbox="1115 898 1991 1010">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016</li> <li data-bbox="1115 1013 1686 1050">• Enforcement Notices remain in place</li> <li data-bbox="1115 1053 1910 1090">• Applications for Injunctions lodged 18 February 2016</li> <li data-bbox="1115 1093 1854 1129">• Injunctions served on Mr Wood on 2 March 2016</li> <li data-bbox="1115 1133 1659 1169">• High Court Hearing 11 March 2016</li> <li data-bbox="1115 1173 1744 1209">• Interim Injunction granted 11 March 2016</li> <li data-bbox="1115 1212 1865 1249">• Court date for Permanent Injunction 17 June 2-16</li> <li data-bbox="1115 1252 1888 1289"><b>• High Court injunction obtained on 17 June 2016</b></li> <li data-bbox="1115 1292 1854 1329"><b>• High Court Injunction issued on 24 June 2016</b></li> <li data-bbox="1115 1332 1765 1369"><b>• Partial costs of Injunction being sought</b></li> </ul>



Committee Date	Location	Infringement	Action taken and current situation
			<b>2016 and under consideration</b>
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>• Planning permission granted 12 March 2015. Operator given six months for compliance</li> <li>• Additional period of compliance extended to end of December 2015</li> <li>• Compliance not achieved. Negotiations underway</li> <li>• <b>Planning Application received 10 May 2016 and under consideration</b></li> <li>• <b>Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required.</b></li> </ul>
5 December 2014  8 January 2016	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>• Site to be checked 1 November 2015</li> <li>• Compliance not achieved.</li> <li>• Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards</li> <li>• Enforcement Notice issued 1 February 2016</li> <li>• Compliance date 6 April 2016</li> </ul>

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			<ul style="list-style-type: none"> <li>• <b>Appeal submitted against Enforcement Notice on grounds there has been no breach (see Appeals Schedule)</b></li> </ul>
4 December 2015	Hall Common Farm, Hall Common, Ludham	Breach of conditions 2&3 of pp BA/2014/0408/C OND Unauthorised installation of metal roller shutter door	<ul style="list-style-type: none"> <li>• Authority given for issuing and Enforcement Notice and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with.</li> <li>• Period of 4 weeks given for landowner to consider position</li> <li>• Negotiations underway</li> <li>• Application for lattice work door as mitigation submitted</li> <li>• Planning permission granted 4 April 2016. Site to be inspected</li> <li>• Compliance not achieved. Enforcement Notices to be served</li> <li>• <b>Enforcement Notice served 18 May and take effect 17 June 2016</b></li> <li>• <b>Appeal against Enforcement Notice submitted, Start date 2 August 2016</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

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Date of report: 1 September 2016

Appendices: Nil