

Enforcement Update
Report by Head of Development Management

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.

| Committee Date | Location | Infringement | Action taken and current situation |
|-----------------|---|------------------------------------|---|
| 7 December 2007 | South side of Thorpe Island (New Cut) | Unauthorised mooring of vessels | <ul style="list-style-type: none"> • Authorisation to serve any necessary notices following legal advice • Site meeting with Network rail on the 9 April 2010 • Authorisation to take enforcement action following legal advice • Network Rail have been provided boat owner details under Data Protection Act and are writing directly to those concerned • 22 July 2010 Network Rail advises that procedures are underway to send out notices to quit the land • Network Rail issued Trespass Notices w/c 22 November 2010 • Network Rail re-issuing Trespass Notices w/c 17 January |
| 23 April 2010 | | | |

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|-----------------|--|----------------------------------|--|
| | | | 2011 <ul style="list-style-type: none"> • Network Rail procedures underway • Trespass Notices and Injunctions served • Prosecution underway with trial May/June 2013 |
| 5 December 2008 | “Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenners Basin) | Unauthorised development | <ul style="list-style-type: none"> • Temporary Stop Notice served on 10 and 11 November 2008 and Enforcement Notice served on 12-11-08 • Compliance required by 11-01-09 • Authorisation granted to initiate prosecution proceedings should compliance not be achieved • .Landowner served with a Section 330 Notice on 11 August 2011 • Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011. • Appeal lodged 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • 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. • Challenge to decision filed in High Court 12 July 2012 • High Court date 26 June 2013 • Planning Contravention Notices and S330 Notices served 21 February 2013. Responses awaited • Injunction to be issued, subject to legal advice • Trespass Notices served by Norwich City Council on 4 boats on 3 May in respect of riverside moorings |
| 1 March 2013 | | Further unauthorised development | |

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| | | | <ul style="list-style-type: none"> • Site being monitored |
| <p>23 April 2010 21 May 2010</p> | <p>Land at OS4229 at North End, Thurlton</p> | <p>Unauthorised storage of non- agricultural items</p> | <ul style="list-style-type: none"> • Temporary Stop Notice issued on 22 April 2010 • Enforcement action authorised requiring removal of non-agricultural items and other structures and materials from the site. Authority to prosecute and reclaim costs if non-compliance not achieved • Site meeting held 26 May 2010 to discuss options for usage of land. Land owner agreed to remove abandoned vehicles in next 3 weeks. Situation being closely monitored • Land has been partially cleared but vehicles remain • Site visit to be arranged with land owner to discuss options for land usage • Further site visit required • Fencing to screen site constructed under permitted development. Vehicles and other materials remain on-site. • Site being monitored and discussions on going with other regulatory bodies • Stop Notice and Enforcement Notice served on 1 February 2011. Environment Agency investigating potential pollution from unauthorised waste storage on the site • Compliance to be achieved by 26 April 2011 • Site visit 6 May 2011 showed compliance not achieved. • Further site visit 21 June 2011 showed compliance not achieved • Prosecution papers being prepared • Section 16 Notice served 15 September 2011 as precursor to prosecution • Response to Section 16 Notice advises site cleared. Inspection proposed |

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| 12 October 2012 | | | <ul style="list-style-type: none"> • Inspection on 26 October showed compliance not achieved • Prosecution request submitted 26 October 2011 • Site visit to be undertaken pursuant to conditional caution. • Conditional Caution issued 8 March 2012 • Compliance with Conditional Caution to be checked • Meeting to be arranged with landowner to discuss compliance • Site visit took place 21 May 2012. Some clearance has occurred • Case subject of review – Report on agenda 12 October 2012 • Authority given to officers in consultation with the Solicitor to explore the feasibility of direct action for failure to comply with the requirements of the Enforcement Notice • Enforcement Notices re-served on 25 February 2013, on advice of Solicitor • Appeal against Enforcement Notice received. Hearing requested. • Written representations appeal in process |
| 4 November 2011 | Plots 38 and 39 Crabbett's Marsh, Horning | Unauthorised Development of piling | <ul style="list-style-type: none"> • Authority given for Enforcement Notices to be served • Enforcement Notice served 18 November 2011 • 19 December 2011 meeting with landowner • Appeal submitted start date 3 February 2012 • Appeal dismissed and Enforcement Notice upheld with corrections – 13 August 2012. Compliance required by 13 October 2012 • Compliance not achieved • Authority given for prosecution 9 November 2012 |

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| | | | <ul style="list-style-type: none"> • Prosecution papers filed • Court Hearing scheduled 8 May 2013 • Adjourned to 26 June 2013 for landowner to take legal advice |
| 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"> • Authority to carry out any necessary Enforcement Action including the serving of Enforcement Notices subject to consultation with the Solicitor, requiring the removal of fencing, the standing of the storage container and the importation of material and land raising • Seeking voluntary compliance • Enforcement Notices served in respect of fence and storage container 26 October 2012 • Enforcement Notices withdrawn and voluntary compliance being sought. • Site to be inspected to check compliance |
| 17 August 2012 | No. 1 and No.2 Manor Farm House, Oby | Unauthorised work to a Grade II Listed building. | <ul style="list-style-type: none"> • Authority to serve a Listed Building Enforcement Notice if voluntary compliance is not achieved • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Seeking voluntary compliance • Meeting with landowner 3 October 2012 • Landowner seeking to have building de-listed • Update on de-listing progress sought from landowner |
| 7 December 2012 | The Old Grainstore, Wainford Road, Bungay | Unauthorised subdivision of property - Breach of planning | <ul style="list-style-type: none"> • Authority to serve Enforcement Notice to secure removal of unauthorised development if voluntary compliance not achieved • Authority to seek compliance with the Enforcement Notice |

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|----------------|--|--|---|
| | | permission BA/2008/0270/CU | <ul style="list-style-type: none"> through prosecution, if necessary • Section 330 Notices served 13 December 2012 • Responses to S330 Notices received • Negotiations with landowner over voluntary compliance • Further information sought, on advice of solicitor • Time and Place meeting held 7 May 2013 |
| 4 January 2013 | Fleet Farm, Acle New Road, Halvergate | Unauthorised construction of stable without planning Permission. | <ul style="list-style-type: none"> • Authority to serve Enforcement Notice to secure removal of stables if voluntary compliance not achieved and to seek compliance through prosecution, if necessary • Section 330 Notices served • Responses received |
| 4 January 2013 | Plots 16 – 18 Woodlands way, Crabbetts Marsh, Horning | Unauthorised works to trees protected by a TPO | <ul style="list-style-type: none"> • Authorisation to commence proceedings against the landowner and / or any other person responsible for felling or causing to be felled six trees protected by TPO BA/2009/0104/TPO, if in the opinion of the solicitor there is sufficient evidence available to support this action • Prosecution papers under preparation • Landowner to be interviewed 17 May 2013 |
| 1 March 2013 | Former Piggery Building adj to Heathacre, Chedgrave Common | Unauthorised conversion and change of use to residential | <ul style="list-style-type: none"> • Authority to serve an Enforcement Notice requiring the removal of the conversion of the building as a dwelling and the restoration of the site to its previous use as an agricultural building, with a compliance period of six months and authority to take prosecution, if necessary; • that in the event that the proposed enforcement action is outside the time limits set out in section 171B of the Town and Country Planning Act 1990, authority, in consultation with the Solicitor, given to proceed with a planning |

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| | | | <p>enforcement order in the Magistrates Court</p> <ul style="list-style-type: none"> • Investigations underway |
| 28 March 2013 | Former drainage dye adjacent to Newlands Caravan Site | Unauthorised installation of mooring platform | <ul style="list-style-type: none"> • Authority given for the serving of an Enforcement Notice for the removal of the platform and restoration of the site and to seek compliance through prosecution, if necessary |
| 28 March 2013 | Freedom Boating Holidays, Horning | Unauthorised stationing and use of a number of static caravans | <ul style="list-style-type: none"> • Authority for the serving of an Enforcement Notice requiring the removal of the caravans and the restoration of the site and to seek compliance through prosecution, if necessary. |
| 26 April 2013 | Sotshole Broad, Norton Hill, Ranworth | Unauthorised quayheading and walkways | <ul style="list-style-type: none"> • Authority for the serving of an Enforcement Notice in consultation with the solicitor, requiring the removal of the quay heading, decking, footpaths, boardwalks and bridges where appropriate and the restoration of the site to the condition prior to unauthorised development, with a compliance period of three months and in the event of non-compliance authority given for prosecution |

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: 8 May 2013

Appendices: Nil