

Enforcement of Planning Control
Unauthorised Erection of Canopies and Alterations to Shop Front
Report by Planning Officer (Compliance and Implementation)

Summary: Unauthorised erection of canopies and alterations to shop front.

Recommendation: That authorisation is granted for the issuing of an Enforcement Notice and for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with.

Location: Grey's Ices and Confectionary, Norwich Road, Hoveton

1 Background

1.1 In May 2015 the Authority was made aware of the erection of canopies at Grey's Ices and Confectionary in Hoveton. An officer investigated the matter and it was found that:

- Signs had been changed on the north and east elevations
- The fenestration pattern had also been altered on the east elevation with shutters introduced
- There had been the replacement of one long canopy on the east elevation with two triangular canopies
- There had been the introduction of one new triangular canopy on the north elevation
- Cladding on the first floor east elevation had been removed

Given the above the shop front is now both physically and visually different from the previous shop front, it is considered that development has occurred and there has been a breach in planning control as planning permission has not been granted.

1.2 Officers visited the owner to discuss the alterations and have written to him to invite a retrospective planning application. The owner indicated at the site meeting that he believed the alterations (in relation to the canopies) to be temporary and therefore did not consider that he needed planning permission. Despite these discussions and it being made clear to the Landowner that a retrospective application is required, no application has been received to date.

1.3 The Parish Council have been contacted for their thoughts on the matter and they consider that the Authority should continue to pursue the submission of a

retrospective planning application, which would be consistent with how other premises in the local area have been dealt with in the past.

2 Assessment

- 2.1 In terms of an assessment, whilst it is acknowledged that the shop sits within a predominantly commercial area with properties of a similar character, there are concerns over the visual impact of this development as it represents a step change in the overall character of the area.
- 2.2 The previous shop front, although commercial, was of a fairly low-key and traditional character. The cumulative effect of the new alterations has meant that the shop is much more visually prominent which detracts from the wider character of the area. The concerns are compounded when considering the step changes to the character area, away from more traditional shop fronts and the resulting visual competition between the various styles.
- 2.3 The NPPF outlines that *'effective enforcement is important as a means of maintaining public confidence in the planning system'* (Para 207 of the NPPF (2012)). The Parish Council highlight the need to be consistent over action and it is agreed that consistency is an important means of maintaining public confidence in the planning system.
- 2.4 In addition to the above, the Government have recently issued a statement setting out their current view on intentional unauthorised development. On 31 August 2015, the following statement was issued from the Department for Communities and Local Government:
- 'The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.'*
- 2.5 Members should be aware that the owner of this site has a history of undertaking development without the benefit of prior consent. He is aware of the Authority's free pre-application service but our records show that he has chosen not to use it in this instance. It is therefore considered likely that intentional unauthorised development has occurred.

3 Conclusion and Recommendation

- 3.1 Should the applicant have sought planning permission for the alterations it is considered that amendments could have been made to ensure the shop front was visually appropriate. However, given the above concerns over the visual

impact, to maintain confidence in the planning system, and given that the development is unauthorised and that owner has not been forthcoming with an application it is considered appropriate to pursue formal action through the serving of an Enforcement Notice. It is also the case that authorisation for the serving of an Enforcement Notice will sometimes prompt compliance.

- 3.2 As an application has not been submitted as a result of enforcement negotiations officers therefore seek authorisation from Members to issue an Enforcement Notice to seek compliance and for prosecution (in consultation with the solicitor) in the event that the Enforcement Notice is not complied with.

Background Papers: Broads Authority Enforcement File BA/2015/0009/BOCP3

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Appendices: APPENDIX 1 - Site Map

APPENDIX 1

BA/2015/0009/BOCP3: Grey's Ices and Confectionary, Norwich Road, Hoveton

