

**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 2011 365">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015</li> <li data-bbox="1115 368 2011 517">• 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 520 1980 588">• Leave to appeal against High Court decision refused on 9 October 2015</li> <li data-bbox="1115 592 1921 660">• Request for oral hearing to challenge Court of Appeal decision filed 2015</li> <li data-bbox="1115 663 1966 732">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016</li> <li data-bbox="1115 735 1980 852">• 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 855 1458 892">• Site being monitored</li> <li data-bbox="1115 895 1995 1011">• 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 1015 1688 1051">• Enforcement Notices remain in place</li> <li data-bbox="1115 1054 1912 1091">• Applications for Injunctions lodged 18 February 2016</li> <li data-bbox="1115 1094 1854 1131">• Injunctions served on Mr Wood on 2 March 2016</li> <li data-bbox="1115 1134 1659 1171">• High Court Hearing 11 March 2016</li> <li data-bbox="1115 1174 1749 1211">• Interim Injunction granted 11 March 2016</li> <li data-bbox="1115 1214 1868 1251">• Court date for Permanent Injunction 17 June 2-16</li> <li data-bbox="1115 1254 1839 1291">• High Court injunction obtained on 17 June 2016</li> <li data-bbox="1115 1294 1809 1331">• High Court Injunction issued on 24 June 2016</li> <li data-bbox="1115 1334 1711 1370">• Partial costs of Injunction being sought</li> </ul>



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<p>9 December 2016</p> <p>6 January 2017</p>			<p>reached. No further information had been received within the timescale given and this had been extended</p> <ul style="list-style-type: none"> <li>• LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited</li> <li>• No application received</li> <li>• Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested</li> <li>• No further information received to date (22 July 2016)</li> <li>• Application for retention of structures validated 27 July 2016 and under consideration</li> <li>• Application withdrawn 29 September 2016</li> <li>• Meeting with landowner's agent 10 November 2016</li> <li>• Landowner's agent considering position.</li> <li>• No realistic prospect of compliance by negotiation</li> <li>• Planning Committee agree to proceed with prosecution and further Enforcement Notices</li> <li>• Request for a further period to 31 March 2017 for compliance with Enforcement Notice and remove the further unauthorised development granted. Request granted. If full compliance not achieved by this date, the authority granted to officers previously and in December 2016 to prosecute and serve further Enforcement Notices be implemented with immediate effect and no further negotiations take place.</li> <li>• <b>Site to be inspected 31 March 2017</b></li> </ul>
10 October 2014	Wherry Hotel, Bridge Road,	Unauthorised installation of	<ul style="list-style-type: none"> <li>• Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in</li> </ul>



Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> <li>• Landowner given until 9 March 2017 to remove fence</li> <li>• <b>Request for alternative solution submitted 3 February 2017. Subject to detail, this may be acceptable. Negotiation underway</b></li> </ul>
11 November 2016	"Broad Minded" Plot 9/9A Martham	Mooring of Caravan on Floating Pontoon	<ul style="list-style-type: none"> <li>• Authority given for an Enforcement Notice to be served (in consultation with the Solicitor) requiring the cessation of the residential use and the removal of the caravan on floating pontoons known as "Broad minded" with a compliance period of 3 months</li> <li>• Discussion underway with Environment Agency as landowner</li> <li>• Environment Agency given 30 days (to 9 January 2017) to negotiate removal of structure</li> <li>• Site visit 19 January 2017 shows structure still in situ.</li> <li>• <b>Period to end of March 2017 allowed for removal of structure</b></li> </ul>
9 December 2016	Eagle's Nest, Ferry Road, Horning	Non-compliance with conditions 3 and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential accommodation.	<ul style="list-style-type: none"> <li>• Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> <li>(i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and</li> <li>(ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months. And</li> <li>(iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not</li> </ul> </li> </ul>

Committee Date	Location	Infringement	Action taken and current situation
			<p>complied with.</p> <ul style="list-style-type: none"> <li>• Invalid CLEUD application received</li> <li>• Application to remove materials condition received</li> <li>• Planning Contravention Notice served 30 December 2016.</li> <li>• <b>Breach of Condition Notice served 19 January 2017.</b></li> </ul> <p><b>Compliance date 19 April 2017.</b></p>

## 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: 15 February 2017

Appendices: Nil