

Enforcement of Planning Control
Enforcement item for consideration: JB Boat Sales, Horning
Report by Planning Officer (Compliance and Implementation)

- Summary:** This report concerns the building of a New office not in accordance with approved plans
- Recommendation:** That authorisation is granted for any necessary enforcement action to secure the removal of the building and restoration of the land
- Location:** JB Boat Sales, 106 Lower Street, Horning, NR12 8PF

1 Background

- 1.1 In March 2012 planning approval was given for the demolition of an existing shop and office building and for its replacement with a new modular building (BA/2011/0408/FUL). The proposed modular building had been the subject of major amendment during the application process and the approved design was single storey with white rendered coloured-washed walls, white timber windows and a forest green metal sheet roof.
- 1.2 In early June 2013 the Authority became aware that some aspects of design and construction of the new building differed from that of the approved plans. These discrepancies covered the use of uPVC rather than timber window frames, alterations to the pattern of fenestration, alterations to the roof pitch and changes to the detailing of the eaves. In addition the proposed timber decking around the modular building has not been installed.
- 1.3 A letter was sent to the owners advising them of the situation and that retention of the building in its current form was unlikely to be considered acceptable. It was noted that the building as constructed was broadly as originally proposed and was of a design which the owners had been advised was not acceptable. The owners were therefore requested to remove the building from the land within 6 weeks.
- 1.4 At the owners' request a site meeting was held where the discrepancies with the building were discussed. A number of suggestions were made by the Authority as to how the building could be altered to meet the requirements of the approved plans. The owners said that they would have to consult with the supplier of the building and would report back on the feasibility of the proposed changes. In consideration of the approach of the peak holiday season it was agreed to extend the timescale for the removal of the building.

- 1.5 As nothing had been received by the Authority a further letter was sent on 13 September 2013 requesting an update on the owners' intentions.
- 1.6 On 24 September 2013 a letter was received from the property owners advising the Authority that the required changes to the building would not be possible.
- 1.7 A letter was sent to the property owners on 27 September advising them that authority was to be sort for the serving of an Enforcement Notice seeking the removal of the building.

2 Description of site and development

- 2.1 Horning is one of the larger Broadland villages being located on the middle part of the River Bure. The village is an important focus for boating activities and visitors to the Broads. The centre part of the village falls within a Conservation Area. Much of the village does, however, fall outside the Broads Authority area and is not covered by the Broads Local Plan.
- 2.2 The building is located in a prominent position on Lower Road, Horning and falls within the village Conservation Area. It is considered that the design and the materials employed in the construction of the building are out of character with the surroundings.

3 The Planning Breach

- 3.1 The design and construction of the modular building is not in accordance with the approved permission BA/2011/0408/FUL. The building is located in an area where the Authority would not wish to permit such development. Policy requires that within a Conservation Area development should both preserve and enhance the character of the area, this building does neither. In these circumstances, the use of enforcement action is appropriate in order to secure the removal of the building and the restoration of the land.
- 3.2 The development is contrary to Policy DP4 of the Local Development Framework Development Management Policies DPD 2011-2021. This seeks to ensure that development is of a high design quality, should integrate effectively with its surroundings, reinforce local distinctiveness and landscape character and preserve or enhance cultural heritage. This building looks like a modular building and whilst it is acknowledged that the architectural style in Lower Street is varied the introduction of this building in such a prominent position is incongruous. Many elements of the design and proportions of this building are more akin to that of a mobile home or lodge than a building in the Horning Conservation Area.

4 Action Proposed

- 4.1 It is considered that the development is inappropriate and contrary to Local Planning Policy and is unlikely to gain retrospective planning permission.

4.2 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the prefabricated building and the restoration of the site. It is proposed that a compliance period of 3 months is given. Authority is also sought to prosecute the owner in the event that the Enforcement Notice is not complied with.

5 Financial Implications

5.1 There may be legal costs associated with this course of action.

6 Conclusion

6.1 That authority is given for officers to consider the expediency of and to determine appropriate enforcement steps in respect of these breaches of planning control and to pursue same.

Background Papers: Broads Authority DC Enforcement Files: BA/2013/0022/BOCP4

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Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2013/0022/BOCP4 – J B Boat Sales, 106 Lower Street, Horning
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