

Enforcement of Planning Control
Enforcement Item for Consideration: Hall Common Farm,
Hall Common, Ludham

Breach of conditions 2 and 3 of planning permission BA/2014/0408/COND
Report by Planning Officer (Compliance and Implementation)

Summary:	Breach of conditions 2 and 3 of Planning Permission BA/2014/0408/COND - as a metal roller shutter door has been installed instead of a timber roller shutter door in breach of conditions 2 and 3 and the finish and joinery details have not be agreed in breach of condition 3.
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: Hall Common Farm, Hall Common, Ludham, Norfolk, NR29 5NS

1 Background

- 1.1 The site lies within the grounds of a Grade II Listed Farmhouse known as Hall Common Farm within Ludham's Conservation Area. The house lies in extensive grounds and a boat dyke is located approximately 200m east of the house, at the edge of a block of wet woodland which extends east for a further 150m before meeting the river at Womack Water.
- 1.2 In October 2014 planning permission was granted for the erection of a boathouse with a timber hinged door to the river elevation (BA/2014/0271/HOUSEH). Following the granting of the permission an application was submitted to vary conditions 2 and 5 of the planning permission to allow for the replacement of a timber hinged door to a metal roller shutter door (BA/2014/0408/COND). The justification given for the alteration in the design detail of the door related to concerns over ease of use within the isolated location.
- 1.3 In terms of the appropriateness of the proposed amendment, the original approved design used a traditional hinged type timber door which was considered appropriate in the location within the Conservation Area and within the setting of a Listed Building. The applicant was advised that the metal roller shutter door would not be acceptable and a further amendment to the material for the door was then submitted to a timber roller shutter. Given the location of the building and its isolated position the need for security and ease of use was understood, however, within the Conservation Area, and within the setting of a

Listed Building, materials should be of the highest quality and generally traditional as highlighted in both national and local planning policy (most specifically DP4 and DP5). Whilst hinged timber doors would have been the optimum solution in this respect the use of a timber roller shutter was considered an acceptable compromise in this particular instance, given the isolated location and as the use of timber would significantly improve the visual aesthetics of a roller shutter door. The use of a timber roller shutter door was therefore considered acceptable subject to details of the finish, section and profile of the roller shutter door being submitted via condition (conditions 2 and 3) and in February 2015 the permission was granted.

- 1.3 Subsequent to this informal discussions again took place between officers and the applicant's agent over the use of a metal roller shutter door. After protracted discussions with the agent it was highlighted that the timber roller shutter door had been a compromise and given the site's sensitive location a metal door was still considered inappropriate. Information was not submitted to discharge conditions 2 and 3 of permission BA/2014/0408/COND.
- 1.4 A monitoring site visit took place on 20 October 2015 and it was found that the boathouse had been built without discharging the pre-commencement conditions and a metal roller shutter door had been installed. This is very regrettable given the protracted and considered discussion which took place between officers and the agent at both application and informal stages.
- 1.5 In addition to the above a letter was issued from Steve Quartermain CBE, Chief Planner at the Department for Communities and Local Government, on 31 August 2015. The letter issued a statement with regard to intentional unauthorised development. The statement outlines that:

'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'.

Given the protracted discussions which took place between officers and the agent it is clear that there has been an intentional breach in planning law here.

- 1.6 Turning to expediency, given the clear policy steer at both national and local levels regarding the quality of development in designated locations, the use of metal for the roller shutter door is considered detrimental to the character of the Conservation Area and the setting of the Listed Building and therefore inappropriate. Whilst we would usually seek to negotiate with the agent/owner where a breach of planning control has taken place in the first instance, it is

clear from both previous discussions and the actions of the landowner, that negotiations are unlikely to resolve the issue. Furthermore, it is clear that there has been a deliberate and intentional breach.

- 1.7 It is considered that it is appropriate to proceed to formal enforcement action and the serving of an Enforcement Notice.

2 Conclusion and Recommendation

- 2.1 Therefore members are requested to grant authorisation 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.

Background Papers: Broads Authority Enforcement File BA/2015/0012/BOCP3, Broads Authority Planning Application Files BA/2014/0408/COND and BA/2014/0271/HOUSEH

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Appendices: APPENDIX 1 - Site Map

APPENDIX 1

