

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 |
|-----------------|--|--------------------------|---|
| 5 December 2008 | "Thorpe Island Marina" West Side of Thorpe Island Norwich (Former Jenners Basin) | Unauthorised development | <ul style="list-style-type: none"> • 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 |

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|----------------|---------------------------------------|--|--|
| | | | <ul style="list-style-type: none"> • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • "Consent Order "has been lodged with the Courts by Inspectorate • Appeal to be reconsidered (see appeals update for latest) • Planning Inspector's site visit 28 January 2014 • Hearing held on 8 July 2014 |
| 23 April 2010 | Land at OS4229 at North End, Thurlton | Unauthorised storage of non-agricultural items | <ul style="list-style-type: none"> • Enforcement Notices re-served on 25 February 2013, on advice of Solicitor • Appeal against Enforcement Notice received. Hearing requested • Written representations appeal in process • Planning Inspector's site visit 8 January 2014 • Appeal dismissed • Compliance required by 18 January and 15 April 2014 • Site visit 11 March showed limited clearance undertaken • Extension of time for compliance to 30 April 2014 agreed by Committee on 28-03-14 • Full Compliance not achieved • Authority given at 23 May meeting to commence prosecution proceedings in consultation with the Solicitor • Solicitor instructed and prosecution papers in preparation • Appellant interviewed 11 July and committed to full clearance by 8 August. Site to be monitored |
| 17 August 2012 | The Ferry Inn, Horning | Unauthorised fencing, importation of | <ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013. • Compliance required by 6 January 2015 |

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|----------------|---------------------------------------|--|---|
| | | planning permission BA/2008/0270/CU | <p>through prosecution, if necessary</p> <ul style="list-style-type: none"> • 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 • Case subject of review • Enforcement Notices served 29 July 2013 • Written representations appeal • Inspector's site visit 28 January 2014 • Appeal dismissed and Enforcement Notice upheld (2-4-14) • Revised compliance periods of 3 months for cessation of unauthorised use and six months for restoration to single residential unit, giving compliance dates of 2 July 2014 and 2 October 2014. • Planning application has been submitted to vary layout. • Application approved. Enforcement Notice to be withdrawn |
| 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 • Final period for compliance given up to 25 June 2013 • Enforcement Notice issued 17 September 2013 • Application submitted to cover amendments to building • Application approved with conditions on 30 December 2013 – works to be completed within 4 months. Enforcement |

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|----------------|---|--|---|
| | | | <p>Notice still in place</p> <ul style="list-style-type: none"> • Site to be inspected 1 May 2014 • Compliance not achieved • Solicitor instructed and prosecution papers in preparation • Works underway to secure compliance |
| 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 enforcement order in the Magistrates Court • Investigations underway • Enforcement Notice issued 1 October 2013 • Appeal documents received 8 November 2013. Public Inquiry scheduled for 10 and 11 June 2014. • Appeal dismissed and Enforcement Notice corrected, upheld 24-7-14 |
| 28 March 2013 | Former drainage dyke adjacent to Newlands Caravan Site. Geldeston | 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 • Final period for compliance given • Enforcement Notice served 30 August 2013 • Appeal in progress with Public Inquiry date set for 13 May |

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|-----------------|--|---|--|
| | | | 2014 <ul style="list-style-type: none"> • Appeal withdrawn on 8 May 2014 • Revised compliance periods of 3 months for removal of structure and four months for the removal of materials, giving compliance dates of 8 August and 8 September 2014 |
| 8 November 2013 | J B Boat Sales, 106 Lower Street, Horning | Unauthorised building of new office not in accordance with approved plans | <ul style="list-style-type: none"> • Authority for serving an Enforcement Notice in consultation with the solicitor requiring the removal of a prefabricated building and restoration of site, with a compliance period of three months. Authority to prosecute in the event of non-compliance. • Enforcement Notice served 19 November 2013. • Compliance required by 6 April 2014 • Negotiations underway regarding planning application. • Compliance not achieved and no application submitted. • Prosecution proceedings to be brought |
| 18 July 2014 | Land to Rear of Bishy Barnabee, Back Lane, Burgh Castle | Unauthorised construction of buildings and structures | <ul style="list-style-type: none"> • Authority granted for the serving of an Enforcement Notice in consultation with the Solicitor), requiring removal of the unauthorised building and structures and reinstatement of the land with a compliance period of 3 months and for prosecution in the event that the enforcement notice is not complied with • Site Visit on 28.07.14 – work on site underway to remove building. Enforcement Notice not served pending completion of building removal |

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 29 July 2014

Appendices: Nil