

**Enforcement of Planning Control: Ferry Inn at Horning
Non-Compliance with Enforcement Notice, plus unauthorised
portakabin and caravan**
Report by Head of Planning

Summary: Members have previously authorised prosecution in respect of non-compliance with Enforcement Notices at The Ferry Inn, Horning, plus the serving of further Enforcement Notices in respect of further breaches. The planning agent has requested that these actions be deferred to 31 March 2017 to allow compliance to be achieved.

Recommendation: Members views are requested.

Location: The Ferry Inn, Ferry Road, Horning

1 Background

- 1.1 In September 2013 Enforcement Notices were served at The Ferry Inn, Horning in respect of the standing and use of a refrigerated trailer. A two year period was allowed for compliance, to enable the operator of the public house to arrange alternative facilities. The Enforcement Notice was not complied with.
- 1.2 In February 2016 a report was presented to Planning Committee seeking authority to serve Enforcement Notices at The Ferry Inn, Horning in respect of two breaches comprising the standing and use of a portakabin and also of a caravan. Members resolved to serve the Enforcement Notices, but to allow a period of three months so officers could seek to negotiate a solution.
- 1.3 A report was prepared for the 24 June 2016 meeting of the Planning Committee, advising them that no solution had been negotiated in respect of the items at 1.2 above, and nor had there been compliance in respect of the earlier Enforcement Notice. The Committee was advised that the actions authorised at the February 2016 meeting would be instigated – ie prosecution and Enforcement Notices.
- 1.4 Immediately prior to that meeting, however, a planning application was submitted. This addressed some of the matters and whilst the application was incomplete it did represent, finally, a step in the right direction. The Planning Committee deferred consideration of the June report to allow the application to be progressed. Regrettably, the application did not fully address all the matters and the proposals were contrary to development plan policy in respect

of a number of key issues (including flood risk). The application was withdrawn on 28 September 2016.

- 1.5 At the 9 December meeting of the Planning Committee, under the standing item which covers updates on enforcement matters, members were advised that the operator had recently engaged planning consultants. These consultants had advised that they were looking to challenge the legitimacy of the 2013 Enforcement Notices and challenge any new Enforcement Notices which were served. The basis of the challenges would be purely legal. The Planning Committee was advised that the Broads Authority is confident of its position in respect of the September 2013 Enforcement Notices and the new ones, and that the agent had been advised of this by email on 28 November 2016. The Planning Committee was advised that the planning consultants, in a letter dated December, had requested the 2013 Enforcement Notice be withdrawn and the new Enforcement Notices not be served. The Planning Committee considered the request, but decided to proceed with the actions previously authorised.

2 Update

- 2.1 On 13 December, a letter was received from the planning consultants advising that they were disappointed with the fact that the Planning Committee had not acceded to the request, and that in consequence the operator had decided to remove the refrigerated trailer and was looking at options for the other breaches.
- 2.2 A further period to 31 March 2017 was requested to resolve the matter.
- 2.3 The views of members are requested.

3 Financial Implications

- 3.1 There will be financial implications if the Broads Authority proceeds with prosecution and further Enforcement Notice, as already agreed. This expenditure will be delayed if the request for further time is allowed; if there is compliance the costs will be avoided.

4 Conclusion

- 4.1 This is a long standing matter, where considerable effort has been put into negotiations that have tried to ensure compliance has previously been discussed, but never achieved.
- 4.2 Members views are requested.

Background papers: File BA/2005/2210/BOCP2

Author: Cally Smith
Date of report: 16 December 2016
Appendices: Site plan

APPENDIX

BA/2015/0010/BOCP2 - New static caravan, a portakabin, 2x lorry/trucks, bouncy castle and playbus.

