

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.

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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21 August 2015			<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 • Awaiting decision from Inspector • 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) • Planning Contravention Notices issued to investigate outstanding breaches on site • Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge) • Acknowledgment of Service filed 16 December 2014. Court date awaited • Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate • Appeal submitted to PINS in respect of Section 73 Application for non-determination • Section 288 challenge submitted in February 2015 • Court date of 19 May 2015 • Awaiting High Court decision • Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld • Authority granted to seek a Planning Injunction subject to

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			<ul style="list-style-type: none"> • Incomplete planning application received 20 September, with further documents subsequently submitted. Under review • Planning application validated 13 October 2016. Further information requested by 27 October 2016 • Application as submitted does not comply with High Court requirements. Legal advice sought on how to proceed regarding Injunction • Application being processed • Legal advice on Injunction sought. • Preparation for High Court referral under consideration • Site sold 31 March 2017. New owners working towards compliance with Enforcement Notice and Injunction. • Planning application withdrawn 4 April 2017.
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container	<ul style="list-style-type: none"> • Enforcement Notice served in respect of trailer on 25 September 2013 • Compliance required by 11 November 2015 • Further breaches identified and negotiations underway
5 February 2016		Non compliance with Enforcement Notice re standing of a refrigerated container for storage, and unauthorised	<ul style="list-style-type: none"> • Report taken to Planning Committee in February 2016 • Authority given to instigate prosecution proceedings re refrigerated trailer, suspended for three months to seek a resolution • Authority given to serve Enforcement Notices in respect of portacabin and static caravan • Negotiations to take place with the landlord and tenant

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<p>9 December 2016</p> <p>6 January 2017</p>		<p>development of a portacabin, static caravan, signage and lighting.</p>	<p>landlord on other elements</p> <ul style="list-style-type: none"> • Meeting took place in March 2016 • Tenant landlord to detail intentions by 20 April 2016 • Following negotiations, some agreement had been reached. No further information had been received within the timescale given and this had been extended • LPA advised that operator intends to submit retrospective application for unauthorised development and this is awaited • No application received • Report on agenda for 24 June 2016 deferred as invalid planning application received, and further information requested • No further information received to date (22 July 2016) • Application for retention of structures validated 27 July 2016 and under consideration • Application withdrawn 29 September 2016 • Meeting with landowner's agent 10 November 2016 • Landowner's agent considering position. • No realistic prospect of compliance by negotiation • Planning Committee agree to proceed with prosecution and further Enforcement Notices • 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.

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			<ul style="list-style-type: none"> • Site to be inspected 31 March 2017 • All unauthorised structures removed by 31 March 2017. Enforcement Notice withdrawn.
10 October 2014	Wherry Hotel, Bridge Road, Oulton Broad –	Unauthorised installation of refrigeration unit.	<ul style="list-style-type: none"> • Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with • Planning Contravention Notice served • Negotiations underway • Planning Application received • Planning permission granted 12 March 2015. Operator given six months for compliance • Additional period of compliance extended to end of December 2015 • Compliance not achieved. Negotiations underway • Planning Application received 10 May 2016 and under consideration • Scheme for whole site in preparation, with implementation planned for 2016/17. Further applications required
5 December 2014 8 January 2016	Staithe N Willow	Unauthorised erection of fencing	<ul style="list-style-type: none"> • Compromise solution to seek compliance acceptable subject to the removal of the 2 metre high fence by 31 October 2015 • Site to be checked 1 November 2015 • Compliance not achieved. • Authority given for Enforcement Notice requiring the reduction in height to 1 metre, plus timber posts and gravel boards

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			<ul style="list-style-type: none"> • Enforcement Notice issued 1 February 2016 • Compliance date 6 April 2016 • Appeal submitted against Enforcement Notice on grounds there has been no breach • Appeal Dismissed and Enforcement Notice Upheld 9 January 2017 • Landowner given until 9 March 2017 to remove fence • Request for alternative solution submitted 3 February 2017. Subject to detail, this may be acceptable. Negotiation underway • Alternative solution agreed, subject to detail. To be implemented by 23 March 2017. • Works undertaken, in variance to agreed alternative solution.
11 November 2016	"Broad Minded" Plot 9/9A Martham	Mooring of Caravan on Floating Pontoon	<ul style="list-style-type: none"> • 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 • Discussion underway with Environment Agency as landowner • Environment Agency given 30 days (to 9 January 2017) to negotiate removal of structure • Site visit 19 January 2017 shows structure still in situ. • Period to end of March 2017 allowed for removal of structure • Structure removed by 31 March 2017. Matter to be closed.

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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"> • Authority given for breach of condition notices to be issued requiring <ul style="list-style-type: none"> (i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and (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 (iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not complied with. • Invalid CLEUD application for materials received; subsequently validated • Application to remove materials condition received • Planning Contravention Notice served 30 December 2016. • Breach of Condition Notice served 19 January 2017. Compliance date 19 April 2017. • Retrospective application for retention of manager's flat submitted 20 February 2017. Application under consideration. • CLEUD for materials issued • Retrospective application for retention of manager's flat recommended for refusal. See report elsewhere on agenda.
3 March 2017	Burghwood Barns Burghwood Road, Ormesby St Michael	Unauthorised development of agricultural land as residential	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL;

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		curtilage	<ul style="list-style-type: none"> if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to prosecution. Enforcement Notice served on 8 March 2017. Compliance date 19 July 2017.
31 March 2017	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"> Authority granted to serve Section 215 Notices First warning letter sent 18 April 2017

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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Appendices: Nil