

**Enforcement of Planning Control
Enforcement item for consideration:
The Ferry Inn, Horning**

Report by Planning Consultant (Compliance and Implementation)

Summary:	This report concerns various breaches of planning control, comprising unauthorised fencing, importation of material and land-raising and the standing of a storage container.
Recommendation:	That authorisation be granted for any necessary enforcement action to secure the removal of the unauthorised development.

Location: Ferry Inn, Ferry Road, Horning

1 Description of Site

- 1.1 Horning is one of the larger Broads villages and is located on the middle part of the River Bure. The centre part of the village falls within the Conservation Area but this does not extend to cover the area of the Ferry Inn.
- 1.2 The Ferry Inn is a large and busy public house and restaurant located downstream of the centre of village and which is bounded to the east by Horning Ferry Marina. It is located riverside and there are views from the river across the pub and its grounds to the boatyard and village beyond to the east. Access to The Ferry Inn is via a narrow road which is shared with the marina and a number of holiday properties. The entire site lies within Flood Risk Zone 3.

2 Description of Development

- 2.1 A site visit in October 2010 revealed that a high fence had been erected along the eastern boundary of the car park at The Ferry Inn, Horning adjacent to the car park with Ferry Marina. Measurement revealed that the fence exceeded the 2m height permitted by the General Permitted Development Order (GPDO). The tenant landlord was advised both orally and subsequently in writing that planning permission was required for the new boundary treatment and that in its current form it was unlikely to receive same. Despite frequent reminders over the intervening 18 months, the tenant landlord has failed either to lower the fence to bring it below the PD threshold or to submit a retrospective application. On the contrary, the height of the fence has been increased by the addition of trellising. It is understood that initially the fence

was erected to screen views through to the fish and chip shop on land to the east at Ferry Marina and that the trellising was added when a sign was placed on top of the fish and chip shop. The sign has now been removed.

- 2.2 Subsequent to the erection of the fence, a compliance check six weeks later resulted in the further discovery that a substantial quantity of material had been imported onto the site. Discussions with the tenant landlord revealed that the intention was to use the material, a mixture of hardcore and soil, to backfill the area worst affected by periodic subsidence. On a smaller scale, such development could be deemed de minimus or indeed to constitute maintenance and thus not require express planning approval. In this instance, however, the tenant landlord was clearly and repeatedly advised that the scale of this engineering operation was such that a planning application was necessary. No retrospective application has been received. On the contrary, in spring 2012 further material was brought on site and the level of a large part of the car park area has been raised. It is understood that initially the land was raised in the expectation that this would make the fence fall within the permitted development tolerances – ie by decreasing the height of the fence when measured from the ground – however this is not the case. The further land raising has taken place. It is understood, to reduce the flooding of the car park.
- 2.3 In September 2010, a refrigerated trailer appeared on the site and was located to the rear of the public house. The tenant landlord advised that the public house was undergoing refurbishment and that the trailer was used for storage of food and kitchen equipment. The contemporary investigation concluded that planning permission was not required for the stationing of the trailer which was understood to be moved off-site from time to time for re-stocking. Since then, the circumstances concluding the investigation without action have changed. The trailer is no longer mobile, is now connected to services, and is now fenced in. Accordingly, in these revised circumstances the trailer now constitutes development requiring express planning permission which has not been sought and would not be granted unconditionally.

3 Policies

3.1 Adopted Core Strategy (2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1
CS20.

3.2 Adopted Development Management Policies DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP4
DP28
DP29.

4 Action Proposed

- 4.1 It is recognised that landowners often wish to mark the boundaries of their properties and the provisions of the General Permitted Development Order allow for this, albeit with a limit on height in order to protect the amenities of neighbouring properties and to control the creation of blank boundaries which inhibit views across land. The limits are 1m where the wall fronts a public highway and 2m in all other cases; the erection of higher fences requires planning permission. The unauthorised fence in this case is over 2m in height, plus the trellising which has been erected atop the fence. It is considered that the height and construction of the fence, which is of standard 6' panels/concrete posts, is inappropriate in this location due to its appearance and the fact that it interferes with the through views from the river which are part of the character of the area. It is proposed that an Enforcement Notice be served requiring the removal of the unauthorised fence.
- 4.2 The importation of material and land raising within the flood plain is a matter which can have serious implications for flood plain storage capacity and flooding both on and off-site. In this case, the LPA has received complaints from neighbouring properties about the extreme flooding of Ferry Road in spring 2012 and the Environment Agency has raised concerns in this regard. Without the detailed information that would be included in a valid retrospective application it is impossible for the LPA to assess the merits of the unauthorised development and to be able to consult the Environment Agency regarding their flooding concerns in any meaningful way. It is proposed that further investigations into this matter be undertaken with a view to determining the expediency of requiring the removal of the material.
- 4.3 The standing of the refrigerated trailer to the rear of the premises is not acceptable as a permanent storage solution. No evidence has been submitted to the LPA to demonstrate either that additional storage is needed or that it cannot be accommodated within the premises or within the existing outbuildings. The trailer is unsightly in this prominent location. It is proposed that an Enforcement Notice be served requiring its removal.

5 Financial Implications

- 5.1 There are no direct legal costs associated with this action.

Background Papers: Broads Authority DC Enforcement Files
BA/2010/0070/UNAUP4

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Appendices: APPENDIX 1 – Location Plan

