

**Enforcement of Planning Control: Enforcement Item for Consideration
Former Drainage Dyke adjacent to Newlands Caravan Site, Geldeston
Unauthorised Mooring Platform**

Report by Report by Planning Officer (Compliance and Implementation)

Summary:	This report concerns the construction of a mooring platform without planning permission, in a drainage dyke, bordering Newlands Caravan Site, Geldeston.
Recommendation:	That authorisation is granted for the serving of an Enforcement Notice seeking removal of the platform and for prosecution (in consultation with the Solicitor) in the event that the Enforcement Notice is not complied with.

Location: Former Drainage Dyke adjacent to Newlands Caravan Site Geldeston

Breach of Planning Control: Unauthorised installation of mooring platform

1 Background

- 1.1 Prior to 2009 the site was a drainage dyke which was partly overgrown. Around that time a number of complaints were received about various matters on the site, including land raising, the formation of hardstandings and the creation of a slipway. Investigations showed that the dyke had been recently cleaned out and widened as part of that operation, however it was concluded that the work was not sufficient as to justify any action being taken. Hardstanding and a small slip had been created and removal of these was required and eventually achieved. There was no evidence at that time of a mooring platform. Photographs were taken of the entire site.

2 Description of Site and Development

- 2.1 The site is situated along the western boundary of an area of grassland, which borders the dyke giving access to Rowancraft at Geldeston. The grassland is used as Newlands Caravan site in the summer months. The dyke itself is a drainage dyke and has no history of navigation. Prior to being cleaned out and enlarged in 2009 it was not capable of being navigated. The landowner has installed a simple mooring platform from decking timber of approximately 3 metres by 2 metres alongside which he moors his own motor boat that is unregistered and unlicensed with the Broads Authority. The platform itself is

not of high quality and shows evidence of wear, it is only big enough to allow access to the moored craft and is not visible from the navigation.

3 The Planning Breach

- 3.1 The use of the dyke for mooring purposes represents a change of use and there is concern that further development of moorings may occur. The construction of the mooring platform itself represents operational development for which, again, planning permission is required.
- 3.2 Policies CS1 of the adopted Core Strategy Policy and Policy DP4 of the adopted Development Management Policies DPD protect quiet, undeveloped and isolated locations such as this against development and the works that have taken place are contrary to these policies.

4 Action Proposed

- 4.1 It is therefore considered that the development is inappropriate and contrary to both National and Local Planning Policy and is unlikely to gain retrospective planning permission. The undeveloped areas of the Broads have a character and appearance that planning policies seek to protect.
- 4.2 It will be necessary for the owner to remove the mooring platform for which he has no permission. Despite negotiations with the owner it has not been possible to reach agreement over the removal and the landowner maintains that the mooring platform has been in situ for in excess of 4 years and is immune from enforcement action.
- 4.3 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the mooring platform and the restoration of the site. It is proposed that a compliance period of 3 months is given. Authority is also sought to prosecute the owner in the event that the enforcement notice is not complied with.

5 Financial Implications

- 5.1 There may be legal costs associated with this course of action.

6 Conclusion

- 6.1 This report is intended to make committee members aware of the situation and to gain their support for enforcement action and possible prosecution.

Background Papers: Broads Authority DC Enforcement File BA/2012/0044/UNAUP3

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Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2012/0044/UNAUP3 - Newlands Caravan Park, Ellingham Road, Geldeston
Unauthorised mooring platform in drainage dyke

