

Enforcement of Planning Control
Enforcement Item for Consideration: Sotshole Broad, Norton Hill, Ranworth
Report by Planning Officer (Compliance and Implementation)

Summary:	This report concerns unauthorised development work undertaken at Sotshole Broad, Ranworth.
Recommendation:	That authority is given to serve the land owner with an Enforcement Notice in pursuance of the reinstatement of the land to its condition prior to the unauthorised development and authority to commence prosecution should the Enforcement Notice not be complied with.

Location: Sotshole Broad, Norton Hill, Ranworth

1 Background

- 1.1 In September 2012 the Authority obtained aerial photographs which indicated that substantial work may have been undertaken at Sotshole Broad. A look at the Authority's records showed no prior planning approval having been made for any development.
- 1.2 A site visit was organised with the land owner where it became apparent that substantial development had been undertaken to the Broad and its surrounding woodlands. This work was found to include the installation of quay heading, decking and boardwalks and improvements to footpaths and associated bridges. As the development was found to be extensive the land owner was asked to provide the Authority with full details of what works had been carried out. The landowner has yet to provide all of the required information

2 Description of Site and Development

- 2.1 Sotshole Broad, also known locally as Ranworth Little Broad, is a small broad which is located about 1km south of the village of Ranworth. The Broad is approximately 0.75 Hectares in area. The Broad is non-navigable being connected to South Walsham Broad via a small dyke which flows under the road at Norton Hill.

- 2.2 The total size of the plot is around 25 hectares. Much of the land is wet woodland with an area of dry woodland on the higher part of the site. The land is bordered to the north east by the Norton Hill road and to the north by School Road. Previously this land was owned by the Fairhaven Trust and used as a bird reserve. The Fairhaven Trusts Gardens are located on the other side of the Norton Hill road.
- 2.3 The works which have taken place comprise the installation of decking to create walkways through the site, plus quay heading along approximately 65m of Broads edge. The works have been constructed principally out of timber.

3 The Planning Breach

- 3.1 It is considered that the works which have taken place constitute development for which planning permission is required. The agent on behalf of the landowner has argued that the works which have been undertaken have been necessary in order to manage the woodland area and are therefore permitted development for forestry works. However, it is the view of officers that the works far exceed those which would be necessary simply for management purposes. It is also the case that in order to benefit from permitted development rights a landowner must follow a 'prior approval' procedure and this has not taken place. It is not possible for 'prior approval' to be applied retrospectively, therefore the works cannot benefit from permitted development rights.
- 3.2 This is not an area where the Authority would wish to permit such development. The development has resulted in the loss of the wet woodland edge which should be discouraged in order to retain the character of the area.
- 3.3 The development is contrary to Policy CS1 of the adopted Core Strategy Policies and DP1, DP2, DP4 and DP13 of the adopted Development Management Policies which seek to protect the environmental and cultural assets of the Broads distinctive landscape and ensure that all design is of a high quality.
- 3.4 In these circumstances, the use of enforcement action is appropriate in order to secure the restoration of the land.

4 Action Proposed

- 4.1 It is considered that the development is inappropriate and contrary to development plan policy and is unlikely to gain retrospective planning permission.
- 4.2 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the quay heading, decking, footpaths, boardwalks and bridges where appropriate and the restoration of the site to its condition prior to the unauthorised development. 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.

Background papers: Broads Authority DC Enforcement Files: BA/2012/0039/UNAUP1

Authors: Steve Sewell
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Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

