

**Enforcement of Planning Control  
Enforcement Item for Consideration:  
Plots 38 and 39, Crabbett's Marsh, Horning, Unauthorised Piling**  
Report by Report by Planning Officer (Compliance and Implementation)

<b>Summary:</b>	This report concerns an update following the expiry of the Enforcement Notice deadline for compliance.
<b>Recommendation:</b>	That authorisation is granted for the prosecution of the landowner for non-compliance with the enforcement notice, in consultation with the Solicitor.

**Location:** Plots 38 and 39 Crabbett's Marsh, Horning

**Breach of Planning Control: Unauthorised Piling**

**1 Background**

- 1.1 In February 2011 a leisure plot at Crabbetts Marsh, Horning was advertised for sale. In early July an on-site meeting was held between the new owner and a planning officer to discuss installation of new quay heading. Further to this meeting, a letter was sent advising the new owner that planning permission was required for the proposed works and, in the opinion of officers, was unlikely to be given. In late July, information was received advising that the new quay heading had been installed and in early August a site visit was undertaken with the owner, which confirmed that new quay heading had been installed.
- 1.2 The landowner was advised to remove the quayheading. However, following a number of failed attempts to seek compliance (i.e. removal) voluntarily, an Enforcement Notice was issued on 24 November 2011. This required the landowner to:
  - remove the wooden piling and timber uprights posts;
  - remove the soil backfilling that has been used and remove the same from the Land;
  - remove from the land all building materials arising from compliance with requirement (i) above; and
  - restore the land to its condition before the breach took place.
- 1.3 The landowner appealed against the Notice, the appeal was dismissed and the notice was upheld. The Notice requires the removal of the quayheading.

## **2 Description of Site and Development**

- 2.1 Crabbetts Marsh is situated to the western side of Horning parish and comprises an area of carr woodland and dykes between the A1067 and the River Bure. The whole of Crabbetts Marsh is subject to an area Tree Preservation Order to protect its character. The northern end of Crabbetts Marsh has an undeveloped character.
- 2.2 The plot which is the subject of this report is at the northern end of Crabbetts Marsh and is a leisure plot. Prior to the recent development, it comprised a grassed area, fringed by trees and with a natural bank situated behind remnant deteriorated old quay heading. It has no history of use for mooring or development purposes. It has now been quay headed with low quality wooden quay heading, with backfilling behind, some of the vegetation has been cleared and a membrane has been put down over which bark chippings have been laid. The consequences of the works are that the character has changed significantly and the plot now has a developed character.

## **3 Current Position**

- 3.1 The planning objective is to restore the plot to its formerly undeveloped character and the works required by the Enforcement Notice as set out at 1.2 above would achieve this.
- 3.2 Following the dismissal of the appeal the landowner was given two months to comply with this deadline expiring on 13 October 2012. A site visit was undertaken on the 15 October and it was found that no works had been undertaken to comply with the Enforcement Notice.
- 3.3 The failure to comply with the requirements of the Enforcement Notice is disappointing, however, it is noted that throughout the recent history the landowner has not co-operated. He has also not replied to correspondence especially prior to the issue of the Enforcement Notice. It is also noted that there have been many opportunities to remove the unauthorised quayheading – for example at the pre-enforcement stage, pre-appeal stage and post appeal stage.

## **4 Action Proposed**

- 4.1 There is a need to protect the area from harm and demonstrate that the Authority takes these matters seriously. Further, failure to comply with an Enforcement Notice is a criminal offence. Prosecution will not achieve compliance in itself but in this case the works are minor and this action may prompt the owner to address the situation.
- 4.2 Having considered the non co-operation of the landowner, it is recommended that authority is given to prosecute the landowner for non-compliance with the enforcement notice. If this does not prompt compliance, the Authority may need to consider direct action.

## **5 Financial Implications**

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

Background papers: Broads Authority DC Enforcement File BA/2011/0042/UNAUP4

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Appendices: None