

Enforcement Update
Report by Head of Development Management

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
7 December 2007	South side of Thorpe Island (New Cut)	Unauthorised mooring of vessels	<ul style="list-style-type: none"> • Authorisation to serve any necessary notices following legal advice. • Case under review. • Enquiries still ongoing, good progress being made, negotiations with Network Rail to establish a joint robust approach. • Site meeting with Network rail on the 9 April 2010. • Authorisation to take enforcement action following legal advice. • Network Rail have been provided boat owner details under Data Protection Act and are writing directly to those concerned. • Network Rail is working to remove boats by use of eviction
23 April 2010			

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			<p>notices. Communication between Network Rail and Norwich City has been facilitated so as to enable a joint approach.</p> <ul style="list-style-type: none"> • 22 July 2010 Network Rail advise that procedures are underway to send out notices to quit the land. • Network Rail procedures underway. • Network Rail issued Trespass Notices w/c 22 November 2010. • Network Rail re-issuing Trespass Notices w/c 17 January 2011. • Network Rail procedures underway.
5 December 2008	"Thorpe Island Marina" West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> • Temporary Stop Notice served on 10 and 11 November 2008 and Enforcement Notice served on 12-11-08. • Compliance required by 11-01-09. • Authorisation granted to initiate prosecution proceedings should compliance not be achieved. • Landowner being pressed to submit a planning application. • Agent has been contacted .w/c 11-05-09 and advised that proceedings will be initiated. • Week commencing 1 June 2009 letter sent to agent reminding him of enforcement proceedings. • Invalid application submitted 09-07-09 and further information awaited. • Application now valid and subject to consultation. • Application currently deferred for investigation of site history. • Meeting with Counsel 13-01-10. • Awaiting Counsel's advice – due by 08-02-10.

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5 March 2010 16 July 2010			<ul style="list-style-type: none"> • Considering Counsel's advice. • Application withdrawn. • Awaiting CLUPOD application from land agent. • Case Review due w/c 10 May 2010. • Landowners have now engaged LANPRO and a formal meeting has been arranged for 25 June 2010. • Report to Committee seeking authorisation for enforcement action. • Enforcement action delegated to Director of Planning and Strategy in consultation with solicitor (with regret). • Use of basin being monitored on a more regular basis as apparent increase in number of vessels. • Landowner served with a Section 330 Notice on 11 August 2011. • Response received to S330 Notice. • Berth holders advised of breach. • Site inspection 21 October 2011 shows vessels in basin and unauthorised works and structures on land. • 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. Statement submitted 3 February 2012. • Appellant's Statement received 13 February 2012. • Public Inquiry took place on 1 and 2 May 2012.
23 April 2010 21 May 2010	Land at OS4229 at North End,	Unauthorised storage of non-agricultural items	<ul style="list-style-type: none"> • Temporary Stop Notice issued on 22 April 2010. • Enforcement action authorised requiring removal of non-agricultural items and other structures and materials from

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	Thurlton		<p>the site. Authority to prosecute and reclaim costs if non-compliance not achieved.</p> <ul style="list-style-type: none"> • Site meeting held 26 May 2010 to discuss options for usage of land. Land owner agreed to remove abandoned vehicles in next 3 weeks. Situation being closely monitored. • Land has been partially cleared but vehicles remain. • Site visit to be arranged with land owner to discuss options for land usage. • Further site visit required. • Fencing to screen site constructed under permitted development. Vehicles and other materials remain on-site. • Site being monitored and discussions on going with other regulatory bodies. • Stop Notice and Enforcement Notice served on 1 February 2011. Environment Agency investigating potential pollution from unauthorised waste storage on the site. • Compliance to be achieved by 26 April 2011. • Site visit 6 May 2011 showed compliance not achieved. • Further site visit 21 June 2011 showed compliance not achieved. • Prosecution papers being prepared. • Section 16 Notice served 15 September 2011 as precursor to prosecution. • Response to Section 16 Notice advises site cleared. Inspection proposed. • Inspection on 26 October showed compliance not achieved.

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			<ul style="list-style-type: none"> • Prosecution request submitted 26 October 2011. • Site visit to be undertaken pursuant to conditional caution. • Conditional Caution issued 8 March 2012. • Compliance with Conditional Caution to be checked. • Meeting to be arranged with landowner to discuss compliance.
4 February 2011	Land adjacent to Pallet Yard, Old Station Road, Geldeston Road, Ellingham	Unauthorised change of use of land for storage of vehicles/scrap	<ul style="list-style-type: none"> • Enforcement Action authorised 4 February 2011. • Enforcement Notice served 15 February 2011 with compliance dates of 15 June 2011, 15 September 2011 and 15 December 2011 to clear site, restore site and implement landscaping scheme respectively. • Appeal documents received 11 March 2011. • Appeal to be determined by Inquiry: 4 October 2011. • Appeal against Enforcement Notice withdrawn. • Negotiated solution under discussion. • Case to be reviewed in Mid March. • Final deadline given for completion of s106 Agreement. • S106 not completed. Prosecution authorised 12 April 2012.
4 February 2011	Hardley Mill, Hardley Marsh	Breach of condition of Planning Permission BA/2007/0100/FUL Materials for mooring pontoons	<ul style="list-style-type: none"> • Authority for officers to negotiate further to attempt to reach a satisfactory solution concerning modification of mooring pontoons. If no resolution reached, authority to issue a Breach of Condition Notice. • Progress report on negotiations to 1 April 2011. • Agreement in writing re painting of railings and fencing. • Trust have undertaken to complete work by end of March weather permitting.

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			<ul style="list-style-type: none"> • Site inspected 9 May. Works completed to satisfactory standard. File to be closed.
7 October 2011	Waveney Holiday Village, Butt Lane, Burgh Castle, Great Yarmouth	Unauthorised use of holiday chalets as permanent accommodation.	<ul style="list-style-type: none"> • Authority given for Breach of Condition Notices on those chalets believed to be occupied other than as holiday accommodation and requiring that the use of chalets as permanent accommodation must cease. Accompanying letter to state Authority's proposed course of action and reasons for serving the notice. • Preliminary letter to occupiers sent 17 October 2011. • Section 330 Notices served 4 November 2011. • Collating information from S330 Notices. • Enforcement Notices to be issued in mid March. • Enforcement Notices issued 14 March 2012. • Compliance period of 2 years given. Compliance will be monitored.
4 November 2011	Plots 38and 39 Crabbet's Marsh, Horning	Unauthorised Development of piling	<ul style="list-style-type: none"> • Authority given for Enforcement Notices to be served. • Enforcement Notice served 18 November 2011. • 19 December 2011 meeting with landowner. • Appeal submitted start date 3 February 2012 (See Appeals update).
2 December 2011	Holiday Cottages, Wayford Bridge, Smallburgh	Unauthorised use as permanent residential accommodation	<ul style="list-style-type: none"> • Authority given for enforcement action to be taken on the basis of legal advice. • Planning Contravention Notices to confirm current occupation status served 6 January 2012. • Planning Contravention Notices being considered. • Enforcement Notices to be served.

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			<ul style="list-style-type: none"> • Appeal received on 1 May against refusal of planning permission to authorise permanent residential use.
3 February 2012	Broad Farm Caravan and Camping Park, Main Road, Fleggburgh	Unauthorised stationing and occupation of two static caravans	<ul style="list-style-type: none"> • Appeal submitted against Authority's decision of refusal for resubmission of pp BA/2011/0112/CU for change of use to regularise permanent occupation as caretakers accommodation for family employees and provide an on-site presence to improve security. • Authority to take enforcement action on basis of legal advice should this be necessary, pending outcome of appeal decision.
30 March 2012	7 Bungalow Lane, Thorpe St Andrew (Northern Bank of River Yare - Old Kingfisher Boatyard.)	Unauthorised stationing of two static caravans	<ul style="list-style-type: none"> • Authority to serve an Enforcement Notice requiring the removal of the two static caravans, in consultation with the solicitor; and for prosecution to be instigated should there be non-compliance with the Planning Enforcement Notice. • Enforcement Notices to be served. • Negotiations underway with landowner.

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files
 Author: Cally Smith
 Date of report: 8 May 2012
 Broads Plan Objectives: None
 Appendices: Nil