

**Enforcement of Planning Control  
Enforcement Item for Consideration:  
The Ferry Inn, Ferry Road, Horning**  
Report by Head of Development Management

**Summary:** This report concerns unauthorised land raising, erection of fence and standing of a refrigerated trailer for storage.

**Recommendation:** That no further action be taken in respect of the land raising and fencing and that an Enforcement Notice be issued in respect of the trailer

**Location:** The Ferry Inn, Ferry Road, Horning.

## **1 Site and Location**

- 1.1 Horning is one of the larger Broads villages and is located in 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 the village and 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 site and the 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 In September 2010 a complaint was received that a refrigerated trailer had been positioned on land to the rear of The Ferry Inn, Horning. The tenant landlord of The Ferry Inn advised that the premises were undergoing refurbishment and that the trailer was required for storage of food and kitchen equipment. Investigation at the time concluded that planning permission was not required as the trailer was mobile and was moved off-site periodically for re-stocking. Subsequently, however, the trailer has been connected to services and has been fenced in, meaning that it is no longer mobile. Planning permission is therefore required.
- 2.2 In October 2010 a complaint was received that a 2m high closeboarded fence had been erected on the boundary between the car park at The Ferry Inn and Ferry marina, Horning. Due to the difference in height between the sites the fence was over 2m in height on the Ferry Marina side and planning

permission was therefore required. Subsequently the landowner installed trellising on top of the fence, increasing the height by a further 0.5m approximately.

- 2.3 In November 2010 a complaint was received that a large amount of soil and hardcore had been imported onto the site and used for land raising of an area to the rear of the car park which suffered periodic flooding. On a smaller scale these works could be considered de minimus or as maintenance, however due to the volume of material imported it constituted an engineering operation for which planning permission is required. In spring 2012 further material was brought on to the site and the land raised further.

### **3 Planning Policies**

- 3.1 The planning policies below are relevant to the consideration of the above breaches.
- 3.2 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) [NPPF](#) and have been found to be consistent and can therefore be afforded full weight in the consideration of this matter.

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

CS1 – Landscape Protection and Enhancement

Adopted Development Management Policies (2011)  
[DMP DPD - Adoption version.pdf](#)

DP4 – Design  
DP29 – Flood risk

- 3.3 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration of this matter.

Adopted Core Strategy (2007)  
CS20 – Flood risk

Adopted Development Management Policies (2011)  
DP28 – Amenity

### **4 The Planning Breaches and Action To Date**

- 4.1 The refrigerated trailer is a substantial structure which is utilitarian in appearance and which is located in a prominent position at the rear of the public house. It was not considered to be acceptable as a permanent solution to the shortage of storage claimed, due to the visual impact. Furthermore, the

lighting around the trailer and the noise from the refrigeration units can be experienced from off-site and affects local amenity.

- 4.2 The fence is constructed of standard 6' panels with concrete posts and has the effect of the blocking of long views from the river to the marina and Horning beyond, which are part of the character of the area, and the creation of a sense of enclosure which is atypical here.
- 4.3 The importation of material and subsequent land raising is a matter which can have serious implications for flood plain storage capacity and for flooding both on- and off-site. The Broads Authority received complaints in this regard from neighbouring properties and from the Environment Agency, particularly after the severe local flooding in spring 2012. Had a planning application been received prior to the undertaking of this work the LPA would have been able to assess the effects of any such work, and consult the Environment Agency; without an application it is difficult to conclude accurately what the effects of the work have been although locally it is considered that the land raising here exacerbated existing local problems in 2012.
- 4.4 In August 2012 Planning Committee authorised enforcement action in respect of the three breaches, following the failure of officers to achieve a negotiated solution with the tenant landlord through discussions in 2011 and 2012. Accordingly Enforcement Notices were served in October 2012 in respect of the trailer and the fence, requiring their removal, and investigations were undertaken in respect of the land raising and the impact of this on local hydrology and flooding.
- 4.5 Shortly after the serving of the Enforcement Notices, the local member (Paul Rice) undertook to mediate between the tenant landlord and the LPA, advising that the tenant landlord was committed to resolving the matter informally and confident that a resolution could be achieved. Accordingly in November 2012 the Enforcement Notices were withdrawn.
- 4.6 Unfortunately, despite a number of site visits, meetings and correspondence, full compliance has not been achieved. The trailer remains on-site, despite discussions on alternative storage options. The height of the fence has been reduced by approximately 45cm and the trellis has been removed from part of it, allowing restricted views over. The imported material remains on site and there was again extensive flooding in Ferry Road in March 2013.

## **5 Action Proposed**

- 5.1 It is appropriate to review the situation and identify what further action is required in order to bring these matters to a close.
- 5.2 With regard to the standing of the trailer, this continues to be unsightly in this prominent position and is an inappropriate permanent storage solution. It would be unlikely to be recommended for a permanent planning permission were an application to be submitted, due to the visual impact, and does not represent the sort of development which is acceptable in an area protected for

its landscape value. If it remains in place for four years it will accrue immunity from enforcement action and will acquire an established use. It is recommended that an Enforcement Notice be issued requiring its removal. Given the constraints on storage space on this site – although it is noted that the tenant landlord has recently created a large new lounge, utilising space within the building which had previously been available for a storage use - it is recommended that a compliance period of 2 years is given to allow sufficient time for the development and implementation of a permanent solution.

- 5.3 The fence has been reduced in height, although it remains above the maximum permitted in the General Permitted Development Order when measured from the lower land to the rear. Much of the trellising has been removed. Although the remaining fence does obscure views through from the river, and does therefore adversely affect the character of the area, it is not considered that this is of such a significance as to justify enforcement action. It is proposed therefore to close this case as not expedient to pursue.
- 5.4 With regard to the importation of material and land raising, this was undertaken in order to remediate the on-going sinking of the land which is prevalent across the Broads and to restore the ground levels. In the time since the material was imported the land has continued to sink and is again lower. The concern at the time was over the loss of flood plain storage capacity (and the potential effects on flooding on- and off-site), however this has now been reduced – ie the flood plain storage capacity has been increased – by the further sinking of the land. There is therefore no justification for requiring the removal of any material and the case can be closed. It would be prudent to write to the tenant landlord and advise him of the need to restrict the annual topping-up of land to amounts which fall within the parameters of maintenance in order to avoid problems in the future.

## **6 Financial Implications**

- 6.1 There are no legal costs associated directly with this course of action.

## **7 Recommendation**

- 7.1 That an Enforcement Notice be served in respect of the trailer and that no further action be taken in respect of the fence and the land raising.

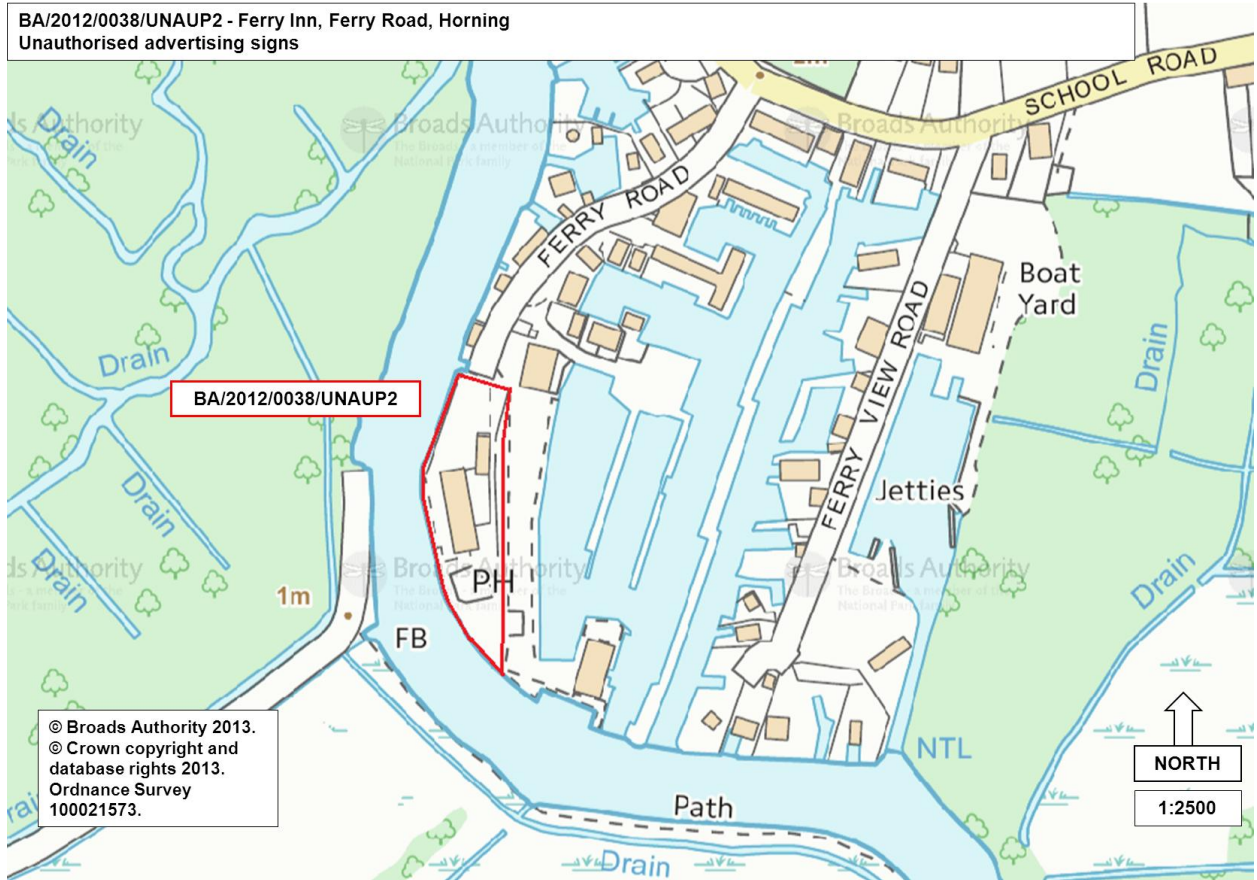
Background papers: Enforcement File BA/2012/0038/UNAUPZ

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Date of report: 29 August 2013

Appendices: APPENDIX 1 – Site plan

APPENDIX 1

BA/2012/0038/UNAUP2 - Ferry Inn, Ferry Road, Horning  
Unauthorised advertising signs



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