

**Enforcement Update**  
Report by Head of Planning

**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.

| <b>Committee Date</b> | <b>Location</b>  | <b>Infringement</b>      | <b>Action taken and current situation</b>   |
|-----------------------|--|--------------------------|---|
| 5 December 2008       | "Thorpe Island Marina" West Side of Thorpe Island Norwich (Former Jenners Basin) | Unauthorised development | <ul style="list-style-type: none"> <li>• Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011</li> <li>• Appeal lodged 6 December 2011</li> <li>• Public Inquiry took place on 1 and 2 May 2012</li> <li>• Decision received 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings</li> <li>• Challenge to decision filed in High Court 12 July 2012</li> <li>• High Court date 26 June 2013</li> </ul> |

| Committee Date | Location | Infringement | Action taken and current situation  |
|----------------|----------|--------------|---|
| 21 August 2015 |          |              | <ul style="list-style-type: none"> <li>• Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed</li> <li>• “Consent Order “has been lodged with the Courts by Inspectorate</li> <li>• Appeal to be reconsidered (see appeals update for latest)</li> <li>• Planning Inspector’s site visit 28 January 2014</li> <li>• Hearing held on 8 July 2014</li> <li>• Awaiting decision from Inspector</li> <li>• Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (similar to previous decision above except in terms of vessel numbers)</li> <li>• Planning Contravention Notices issued to investigate outstanding breaches on site</li> <li>• Challenge to the Inspector’s Decision filed in the High Courts on 28 November 2014 (s288 challenge)</li> <li>• Acknowledgment of Service filed 16 December 2014. Court date awaited</li> <li>• Section 73 Application submitted to amend 19 of 20 conditions on the permission granted by the Inspectorate</li> <li>• Appeal submitted to PINS in respect of Section 73 Application for non-determination</li> <li>• Section 288 challenge submitted in February 2015</li> <li>• Court date of 19 May 2015</li> <li>• Awaiting High Court decision</li> <li>• Decision received on 6 August – case dismissed on all grounds and costs awarded against the appellant. Inspector’s decision upheld</li> <li>• Authority granted to seek a Planning Injunction subject to</li> </ul> |

| Committee Date   | Location | Infringement | Action taken and current situation  |
|--|----------|--------------|---|
| <p data-bbox="203 363 427 400">9 October 2015</p> <p data-bbox="203 954 443 991">5 February 2016</p> |          |              | <p data-bbox="1160 256 1335 293">legal advice</p> <ul style="list-style-type: none"> <li data-bbox="1115 298 2011 367">• Challenge to High Court decision filed in Court of Appeal on 27 August 2015</li> <li data-bbox="1115 371 2011 515">• Authority granted to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container</li> <li data-bbox="1115 520 1980 588">• Leave to appeal against High Court decision refused on 9 October 2015</li> <li data-bbox="1115 593 1921 662">• Request for oral hearing to challenge Court of Appeal decision filed 2015</li> <li data-bbox="1115 667 1966 735">• Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2016</li> <li data-bbox="1115 740 1980 857">• Pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river</li> <li data-bbox="1115 861 1458 898">• Site being monitored</li> <li data-bbox="1115 903 1995 1003">• Landowner's application to appeal the decision of the High Court in the Court of Appeal was refused on 3 February 2016</li> <li data-bbox="1115 1008 1688 1045">• Enforcement Notices remain in place</li> <li data-bbox="1115 1050 1912 1086">• Applications for Injunctions lodged 18 February 2016</li> <li data-bbox="1115 1091 1854 1128">• Injunctions served on Mr Wood on 2 March 2016</li> <li data-bbox="1115 1133 1659 1169">• High Court Hearing 11 March 2016</li> <li data-bbox="1115 1174 1749 1211">• Interim Injunction granted 11 March 2016</li> <li data-bbox="1115 1216 1868 1252">• Court date for Permanent Injunction 17 June 2-16</li> <li data-bbox="1115 1257 1839 1294">• High Court injunction obtained on 17 June 2016</li> <li data-bbox="1115 1299 1809 1335">• High Court Injunction issued on 24 June 2016</li> <li data-bbox="1115 1340 1715 1377">• Partial costs of Injunction being sought</li> </ul> |

| Committee Date  | Location                                  | Infringement                                     | Action taken and current situation  |
|-----------------|---|--|---|
|                 |   |  | <ul style="list-style-type: none"> <li>• Incomplete planning application received 20 September, with further documents subsequently submitted. Under review</li> <li>• Planning application validated 13 October 2016. Further information requested by 27 October 2016</li> <li>• Application as submitted does not comply with High Court requirements. Legal advice sought on how to proceed regarding Injunction</li> <li>• Application being processed</li> <li>• Legal advice on Injunction sought.</li> <li>• Preparation for High Court referral under consideration</li> <li>• Site sold 31 March 2017. New owners working towards compliance with Enforcement Notice and Injunction.</li> <li>• Planning application withdrawn 4 April 2017.</li> <li>• <b>Site in process of being cleared in accordance with Enforcement Notice and Injunction</b></li> </ul> |
| 10 October 2014 | Wherry Hotel, Bridge Road, Oulton Broad – | Unauthorised installation of refrigeration unit. | <ul style="list-style-type: none"> <li>• Authorisation granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit, in consultation with the Solicitor, with a compliance period of three months; and authority be given for prosecution should the enforcement notice not be complied with</li> <li>• Planning Contravention Notice served</li> <li>• Negotiations underway</li> <li>• Planning Application received</li> <li>• Planning permission granted 12 March 2015. Operator given six months for compliance</li> <li>• Additional period of compliance extended to end of December 2015</li> <li>• Compliance not achieved. Negotiations underway</li> </ul>  |



| Committee Date | Location  | Infringement  | Action taken and current situation   |
|----------------|---|---|--|
|                | Horning   | and 6 of BA/2010/0012/ FUL relating to materials and unauthorised use of boathouse for holiday and residential accommodation. | <ul style="list-style-type: none"> <li>(i) the replacement of the black composite boarding with black feather board finish in timber with a compliance period of 6 months; and</li> <li>(ii) requiring the removal of all fittings facilitating the holiday and/or residential use of the first floor and the cessation of any holiday and/or residential use of the first floor, with a compliance period of 3 months. And</li> <li>(iii) prosecution in consultation with the solicitor in the event that the Breach of Condition Notice is not complied with.</li> </ul> <ul style="list-style-type: none"> <li>• Invalid CLEUD application for materials received; subsequently validated</li> <li>• Application to remove materials condition received</li> <li>• Planning Contravention Notice served 30 December 2016.</li> <li>• Breach of Condition Notice served 19 January 2017. Compliance date 19 April 2017.</li> <li>• Retrospective application for retention of manager's flat submitted 20 February 2017. Application under consideration.</li> <li>• CLEUD for materials issued</li> <li>• <b>Retrospective application for retention of manager's flat refused planning permission.</b></li> <li>• <b>Correspondence with landowner over compliance</b></li> </ul> |
| 3 March 2017   | Burghwood Barns<br>Burghwood Road,<br>Ormesby St<br>Michael | Unauthorised development of agricultural land as residential curtilage  | <ul style="list-style-type: none"> <li>• Authority given to serve an Enforcement Notice requiring the reinstatement to agriculture within 3 months of the land not covered by permission (for BA/2016/0444/FUL;</li> <li>• if a scheme is not forthcoming and compliance has not been achieved, authority given to proceed to</li> </ul>   |

| Committee Date | Location                           | Infringement              | Action taken and current situation   |
|----------------|------------------------------------|---------------------------|--|
|                |                                    |                           | prosecution.<br><ul style="list-style-type: none"> <li>• Enforcement Notice served on 8 March 2017 with compliance date 19 July 2017.</li> <li>• <b>Appeal against Enforcement Notice submitted 13 April 2017</b></li> </ul> |
| 31 March 2017  | Former Marina Keys, Great Yarmouth | Untidy land and buildings | <ul style="list-style-type: none"> <li>• Authority granted to serve Section 215 Notices</li> <li>• <b>First warning letter sent 13 April 2017 with compliance date of 9 May.</b></li> </ul>                                  |

## 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: 11 May 2017

Appendices: Nil