

**Enforcement of Planning Control**  
**Unauthorised change of use to Canoe Hire yard, standing of**  
**structure and development of boat launching site.**  
Report by Planning Officer (Compliance and Implementation)

**Summary:** Unauthorised development and change of use at the rear of The Norfolk Broads Tourist Information and Activity Centre, Wroxham

**Recommendations:**

- (1) That the unauthorised development at the rear of the Canoeman Office be removed.
  
- (2) That officers are authorised to serve an Enforcement Notice removing unauthorised development and in the event of non-compliance to prosecute at magistrates court.

**Location:** The rear of The Norfolk Broads Tourist Information and Activity Centre, 10 Norwich Road, Wroxham

**1. Background**

- 1.1 There has been an unauthorised change of use of land, and associated unauthorised structures, at land to the rear of the independent Tourist Information and Activity Centre (TIAC) in Wroxham. The works to implement the change of use are believed to have commenced after 2013/14 when the area, which was previously scrubland, was cleared and a small area of quay-heading and slipway constructed in order to facilitate the use of the site as a base for canoe hire in connection with the adjacent TIAC operation.
  
- 1.2 The use intensified in 2016 when a large grey/green portable building on wheels was moved onto the site and incorporated into the boundary arrangements alongside the car park, making this portable building incapable of being moved. The area immediately between this portable building and the boundary fence was roofed to create a further storage area. Lean to buildings were also constructed immediately to the rear of the TIAC building and used for cycle storage in connection with the operator's cycle hire business. Large storage racks constructed from scaffold poles were erected to the rear of the building to enable the storage of a large number of canoes. A small staging was erected and a small wooden slipway constructed, with both used in connection with the business of canoe hire.

- 1.3 Around this time the owner stopped leasing another site away from the water and relocated all of his canoes to this site along with his workshop facilities.
- 1.4 The Broads Authority planning department first became aware in September 2016 that this development had taken place and an enforcement investigation was commenced and enforcement file opened.
- 1.5 Prior to the use of this area the site had been overgrown and had a 'nil' planning use, being simply scrub surrounding Bridge Broad Marina. This can be seen on aerial photograph from 2004 in Appendix 2.
- 1.6 The site is located on the corner of Norwich Road and Bure Close. Bure Close is a residential cul-de-sac and the majority of the land use along this part of Norwich Road is retail and commercial.

## **2. The planning breach**

- 2.1 The cumulative effect of the above changes is that the area has evolved into a working yard used in connection with the TIAC and canoe and cycle hire business and the portable building is being used as a workshop. Recently, the business has been further extended through the introduction of dinghy hire and guided fishing trips. This area of former scrub is now an active part of the business area. Canoe tuition is provided here to those hiring canoes and they enter the water for the first time using the staging constructed on Bridge Broad.
- 2.2 The works which constitute development are the material change of use to a business use and the construction of a landing stage, slipway and erection of storage shed/workshop and canoe racks. There is no planning permission for any of this development.

## **3. The planning issues**

- 3.1 Since September 2016 officers have sought to engage with the operator of the site in the submission of a planning application, but none has been submitted. In looking at the planning issues, it is necessary to look at the unauthorised use and the unauthorised constructions/built development.
- 3.2 The unauthorised change of use comprises the use of the site in connection with the operator's business, which is primarily canoe hire with some guided fishing trips and also cycle hire; the site also is used for the storage of equipment associated with these activities. The canoes are stored on large storage racks which can accommodate the large number of canoes the operator owns (they are not all launched from here but moved to locations throughout the Broads system on trailers to be launched at appropriate sites). Cycles are also stored here, whilst the workshops are used to maintain the equipment described above.

- 3.3 The unauthorised operational development (ie the built structures) comprises the standing of the formerly mobile building (which has been incorporated into the fence), the lean-to between this building and the fence, the staging and slipway and the fixed canoe racks.
- 3.4 It should be noted that the built development is of low quality and does not enhance the immediate area. Whilst it is the case that the large workshop trailer/shed might be acceptable in planning terms as a temporary measure only whilst the business was becoming established, any permanent structure would need to be of a higher design quality. It is considered that the use is not inappropriate
- 3.5 This business is at the entrance to the heart of Wroxham/Hoveton and immediately adjacent to a large hire boat and passenger boat operator and Wroxham Road Bridge. The site is very much a gateway to the Broads for many users and as such it should be of a good design

#### **4. Options for resolving the planning breach**

- 4.1 The Authority has a Local Enforcement Plan, which was adopted on 8 July 2016 and sets out its approach to dealing with enforcement matters. At paragraph 3.7 it states that
- “...Whilst the law gives a Local Planning Authority strong legal powers to deal with breaches of planning control, in most cases the first choice of approach is to use negotiation to reach a satisfactory resolution in a timely manner. The negotiations would aim to achieve one of the following outcomes:
- To apply for retrospective planning permission if the development and use is acceptable and would have got planning permission in the first place; or
  - To amend the development so it is acceptable and then apply for retrospective planning permission if the development is capable of being acceptable; or
  - To remove the unauthorised development or cease the unauthorised use if the development is unacceptable and incapable of being made acceptable.”
- 4.2 In this case, the LPA is of the view that the use is acceptable, so the approach is to seek a retrospective application. Officers have sought to negotiate with the operator to obtain a planning application, but none has been forthcoming. In such cases where an application is not forthcoming it would not normally be expedient to pursue formal action – on the basis that the use would be granted planning permission were any application to be submitted. It is not considered expedient to take action in respect of the unauthorised use.
- 4.3 There are, however, a variety of forms of built development on the site which are associated with the unauthorised use, some of which is acceptable and some which is not. The landing stage and slipway are acceptable and officers have sought to negotiate with the operator to obtain a planning application,

but none has been forthcoming. Again, given that these are not unacceptable it is not considered expedient to pursue formal action.

- 4.4 The green workshop/shed and the related lean-to structures, however, are not acceptable on a permanent basis because of the very poor design, which does not meet the requirements of development plan policies, particularly in this prominent location. It is not considered appropriate for them to be retained and is considered expedient to secure their removal.
- 4.5 These structures might, however, be acceptable on a temporary basis whilst the business establishes with a view to their replacement in due course with a more suitable permanent construction of the business prospers. Again, officers have sought to negotiate with the operator to obtain a planning application for a temporary permission, but none has been forthcoming.
- 4.4 Regrettably, the lack of any application from the owner limits the options for remedy of the situation to ones of formal action.
- 4.5 When determining which approach to take, at section 3 the Local Enforcement Plan outlines three guiding principles to be taken into account and these are expediency, proportionality and consistency.
- 4.6 In this case, considering expediency planning officers are of the view that breach of planning control comprising the unauthorised operational development comprised of the green workshop building and associated lean to building should be stopped through requiring the removal of these structures. It is considered that this is a proportionate approach relative to the harm being caused and an expedient means of achieving the removal of unacceptable unauthorised development.

## 5. **Conclusion and recommendation**

- 5.1 The unauthorised development at the site is acceptable in terms of the principle of the use, but unacceptable in respect of some of the structures. In the absence of a planning application, it is not possible to impose planning conditions covering these matters and the LPA has only formal mechanisms available to resolve the position.
- 5.2 The service of an Enforcement Notice can be used in lieu of a planning permission as it can require certain steps to be taken. It is recommended that the Planning Committee authorises officers to serve an Enforcement Notice seeking the removal of the unauthorised free standing structure and the associated lean-to. It is recommended the compliance period should be 9 months to allow the operator time to develop the business to a point where a permanent structure can be justified or to seek further premises from which to operate.
- 5.3 In the event of non-compliance with the Enforcement Notice authority is sought to prosecute in the magistrate's court.

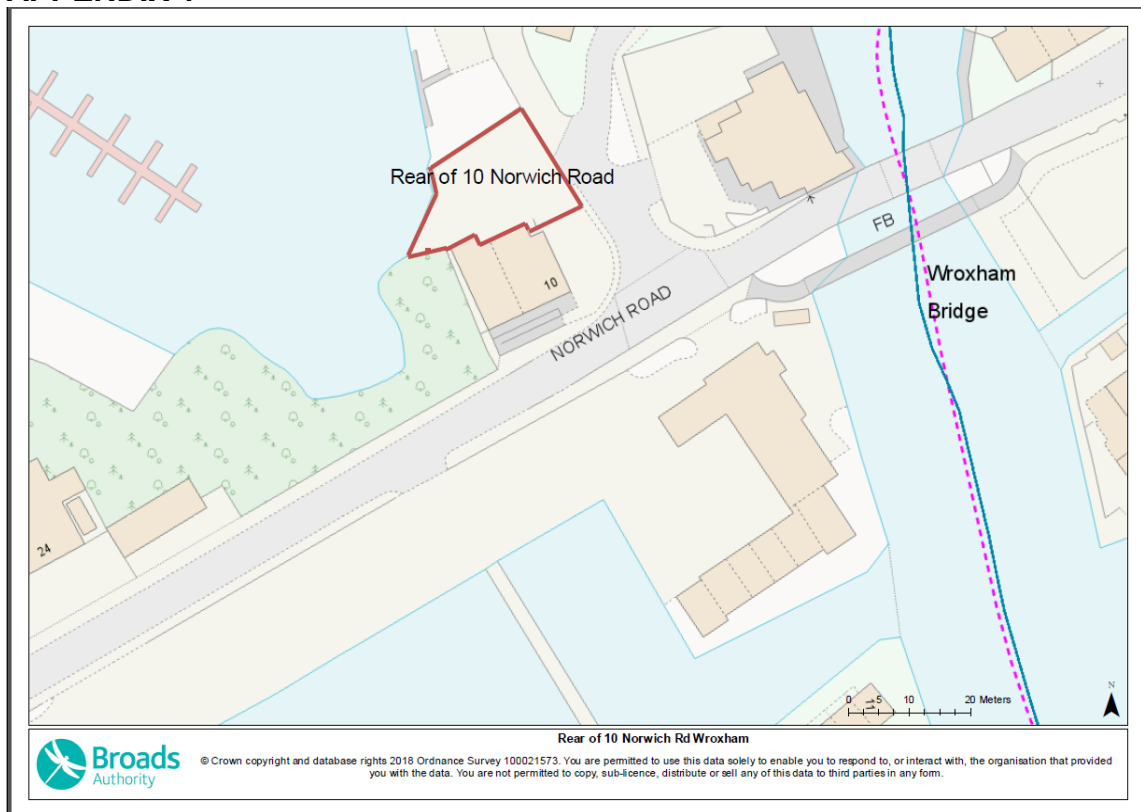
Background papers: BA/2016/0029/UNAUP4

List of Appendices: Appendix 1 Location Plan  
Appendix 2 Aerial View 2004

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Broads Plan Objectives: None

## APPENDIX 1



**APPENDIX 2-Aerial view 2004**

