

# Planning Committee

5 December 2025

Agenda item 7.5

## BA/2024/0045/UNAUP4 Land On The South-West Side Of Norwich Road, Gillingham, Beccles

Report by Development Manager

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### Summary

There is no planning permission for the unauthorised decking and raised platform area, the development is contrary to planning policy and permission could not be granted.

### Recommendation

To authorise the service of an Enforcement Notice, and any subsequent action deemed necessary..

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## 1. Site location and description

- 1.1. The site is situated on the northwest riverbank on the river Waveney north of Beccles town. Access to the mooring plot is off a slip road on the main A146 Norwich Road just before the road bridge crossing the river Waveney. The mooring plot is the first one after the Broads Authority's 24-hour mooring. The plots along the riverbank can clearly be seen looking down from the foot path on the road bridge and from the opposite east side footpath of the Waveney riverbank. This is a very open and undeveloped area heading away north from Beccles Town.

## 2. The unauthorised development

- 2.1. The owner has fully enclosed the plot with 1.8-meter wooden fence panels along all 3 sides. Access is through a gateway at the front of the plot. There are wooden steps leading down to the mooring. The whole of the floor area has been decked using scaffold boards as decking. There is a raised platform area towards the rear of the plot which runs for 13.5 meters in length with a height of 50cm and a depth of 110cm.

## 3. The planning issues

- 3.1. The Broads Authority has a Local Compliance and Enforcement Plan which sets out its approach to dealing with enforcement matters. At paragraph 3.6 it states that *"legislation gives the LPA strong legal powers to deal with breaches of planning control, in most cases the first approach is to use negotiation to reach a satisfactory resolution in a timely manner"*.
- 3.2. The negotiations would aim to achieve one of the following outcomes:
  - To apply for retrospective planning permission if the development 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 amend the development so it is in accordance with the approved plans if the amendments are acceptable; or
  - To remove the unauthorised development or cease the unauthorised use if the development is unacceptable and incapable of being made acceptable."
- 3.3. In determining how to take this matter forward, the LPA must, therefore, first consider whether the unauthorised development is acceptable in planning terms, whether it is capable of being made acceptable, or whether it is unacceptable. If the unauthorised development is not and cannot be made acceptable, then the LPA must consider the expediency of enforcement action.

### **The acceptability of the development**

- 3.4. Looking first at the acceptability of the existing unauthorised development, Adopted Local Plan Policy requires that Policy SP7 states: Development proposals will ensure that the location or intensity of the use or activity is appropriate to the character and appearance of the Broads and pay particular attention to the defining and distinctive qualities of the varied positive landscape character areas and the character, appearance and integrity of the historic and cultural environment
- 3.5. Adopted Local Plan Policy DM16 states: Development proposals which conserve and enhance the key landscape characteristics of the Broads and comply with other relevant policies, in particular Policy DM43 (design), will be permitted, so is therefore inappropriate and conflicts with.
- 3.6. Adopted Policy DM43 states: All development will be expected to be of a high design quality. Development should integrate effectively with its surroundings, reinforce local distinctiveness and landscape character and preserve or enhance cultural heritage. that and the development is therefore contrary to.

### **The expediency of enforcement action**

- 3.7. When a breach of planning control has taken place and the LPA is considering what action is appropriate, it will need to look carefully at a number of factors. The factors are expediency, proportionality and consistency.

#### **Expediency**

- 3.8. Expediency may be explained as an assessment of the harm that is being caused by the breach. Harm may arise through a range or combination of factors, for example adverse impact on visual amenity due to poor design or materials, and this would be an example of direct harm arising from the unlawful development. There is also the generic harm which arises from a development which is in conflict with adopted policies and which, if it were not addressed, would undermine the policies in the development plan as well as the principles of the NPPF and NPPG. Furthermore, a failure to address non-compliant development would undermine the integrity of the planning system and paragraph 59 of the NPPF emphasises the importance of this when it states “Effective enforcement is important to maintain public confidence in the planning system”, demonstrating that this is a valid objective in itself.
- 3.9. The harm resulting from the unauthorised development arises from a poor design and structure out of place within the wider landscape of the rural appearance. There is also potential damage to the biodiversity of the area. No habitat surveys were carried out before construction and no consultation with appropriate agencies was carried out to ensure the development had minimal effect on the wider environment.
- 3.10. There will be costs associated with enforcement action, however, when balanced against the need to ensure, amongst other matters, the protection of the planning system it is considered that enforcement action is likely to be expedient given the benefits of securing a cessation of the development.

### Proportionality

- 3.11. The second test is one of proportionality; enforcement action should always be proportionate to the seriousness of the harm being caused. In this case consideration of acceptability was taken by the planning department, but our opinion is that it would not receive support in its current state. Possible long-term damage to the environment and visual amenity leads us to the conclusion that the majority of the structure should be removed.
- 3.12. Where it is accepted that an LPA has a responsibility to protect the planning system in order to maintain public confidence in it, it follows that the extent of the action should be directly proportionate to the extent of the breach. In this case, most of the scaffold decking should be removed from the site, leaving a maximum 2 meters width decking measured from the edge of the quay heading to give access to the boat mooring. The height of the fences should be lowered to conform with the neighbouring plots.
- 3.13. It is noted that the owner intends to use this plot for private leisure purposes. These, however, are private benefits and should not override the public benefits associated with upholding the planning system.
- 3.14. Overall it is considered that enforcement action to secure the cessation of the unauthorised development is proportionate.

### Consistency

- 3.15. The third test is consistency and the Local Compliance and Enforcement Plan identifies the need to ensure consistency so that a similar approach is taken in similar circumstances to achieve similar outcomes.
- 3.16. Other enforcement actions have been taken against other riverside developments including quay heading, unauthorised buildings and unauthorised unacceptable changes of use.
- 3.17. It is considered that enforcement action against the breaches identified here would be consistent with the approach taken elsewhere and therefore meets the requirements of the Local Compliance and Enforcement Plan.
- 3.18. Finally, it is noted in the Local Compliance and Enforcement Plan that whilst the law gives an LPA strong legal powers to deal with unauthorised development, the preferred approach is always to seek to negotiate a solution and the fourth test considers whether this approach has been applied. In negotiating a solution, the outcome will either be that the development is (or is made) acceptable and planning permission is granted, or, where the development is not and cannot be made acceptable, that the breach is stopped. In this case, for the reasons outlined above, the development cannot be made acceptable and there is no prospect of planning permission being granted. The solution will therefore require the cessation of the development.
- 3.19. In this case the Authority has met with the landowner on site to explain that their development is unauthorised and should be removed from the site. Having given the

owner reasonable time to undertake the removal, unfortunately there has been no effort to comply with this request. Subsequent email requests have had no response or action from the landowner, so we are forced to take formal enforcement action.

- 3.20. In considering expediency it is also necessary to take account of the impacts and costs of taking action, which would include the resources required to do this, as well as what is likely to be achieved. The more harm that is being caused then the more likely it is that it will be expedient to take enforcement action due to the need to stop the harm. Conversely, if there is little harm it may not be expedient to pursue the matter, particularly if the costs are high. In this case, there is significant harm to interests of public importance from development which is intrinsically unacceptable. The service of Enforcement Notices, as a first step, incurs little cost other than officer time; if further action is needed to secure compliance this will need to be considered.
- 3.21. In conclusion, it is considered that the development is unacceptable and enforcement action can be justified as expedient.

## 4. Financial implications

- 4.1. The service of Enforcement Notices will require officer time; any costs associated with administration will be met from the existing planning service budget.
- 4.2. If compliance is not achieved voluntarily there will be costs associated with enforcing this. Members will be advised of progress through the regular update to Planning Committee, so there will be the opportunity to consider any additional costs.

## 5. Conclusion

- 5.1. The unauthorised development at the site is contrary to development plan policy and could not be granted planning permission.
- 5.2. The Local Compliance and Enforcement Plan explains that where an unauthorised development is unacceptable and cannot be made acceptable, the LPA should seek to negotiate a solution. There is no realistic prospect of a negotiated solution here and it is recommended that an Enforcement Notice is served requiring the cessation of the unauthorised use. A compliance period of 3 months would be appropriate.
- 5.3. In consideration of serving this Enforcement Notice, the Local Planning Authority has had full regard to the provisions of the Human Rights Act 1998. The Authority considers that any interference with the rights of the owner, occupier or any other persons with an interest in the land is necessary, proportionate, and justified in the interests of the proper exercise of planning control and the protection of the public amenity.
- 5.4. In particular, the Authority has considered the rights under Part 1 - Article 6 (right to a fair hearing), Part 1 - Article 8 (right to respect for private and family life), and Article 1 of the First Protocol (protection of property). The Authority is satisfied that the

requirements of this Notice are reasonable and that the legitimate aims of enforcing planning legislation cannot be achieved by less intrusive means.

Author: Steve Kenny

Date of report: 18 November 2025

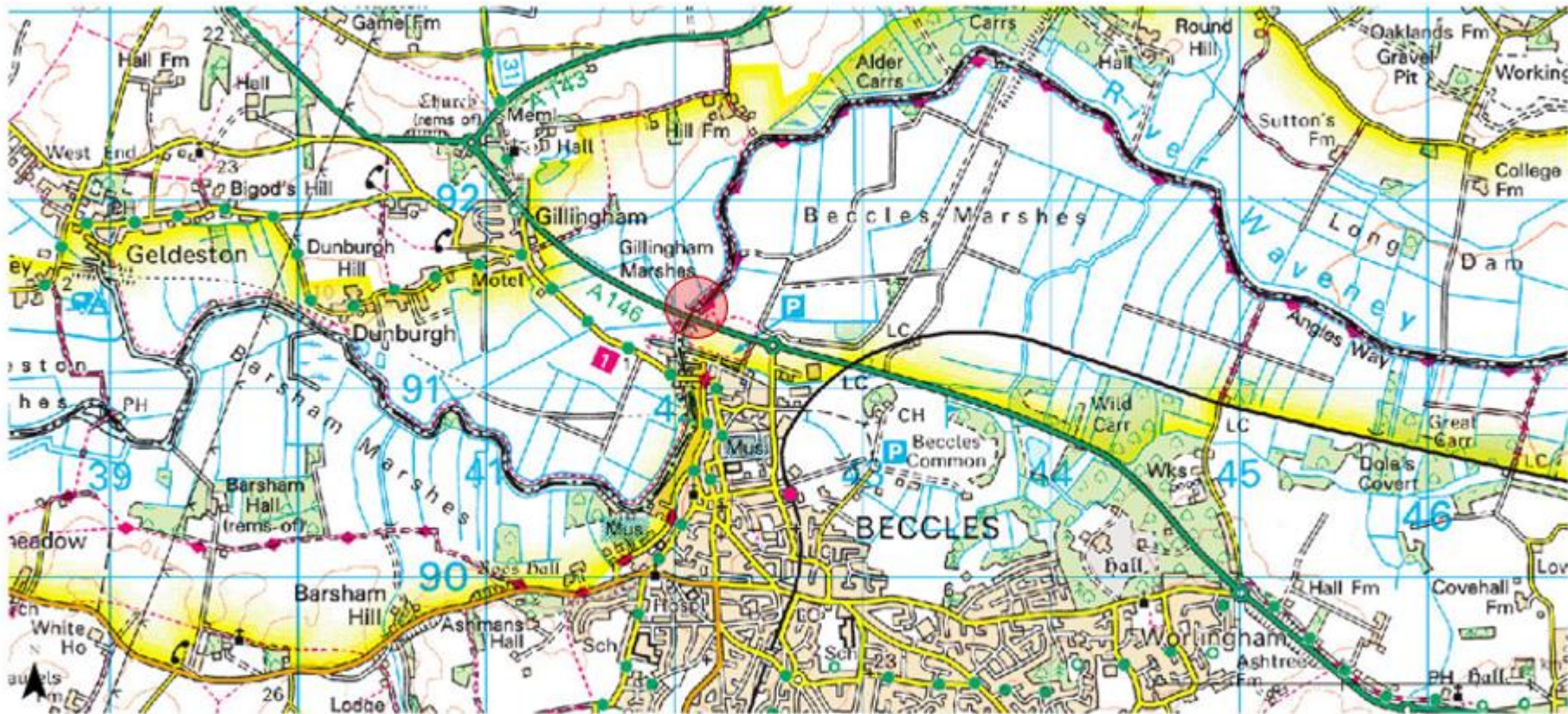
Background papers: Enforcement file BA/2024/0045/UNAUP4

Appendix 1 – [Location maps](#)

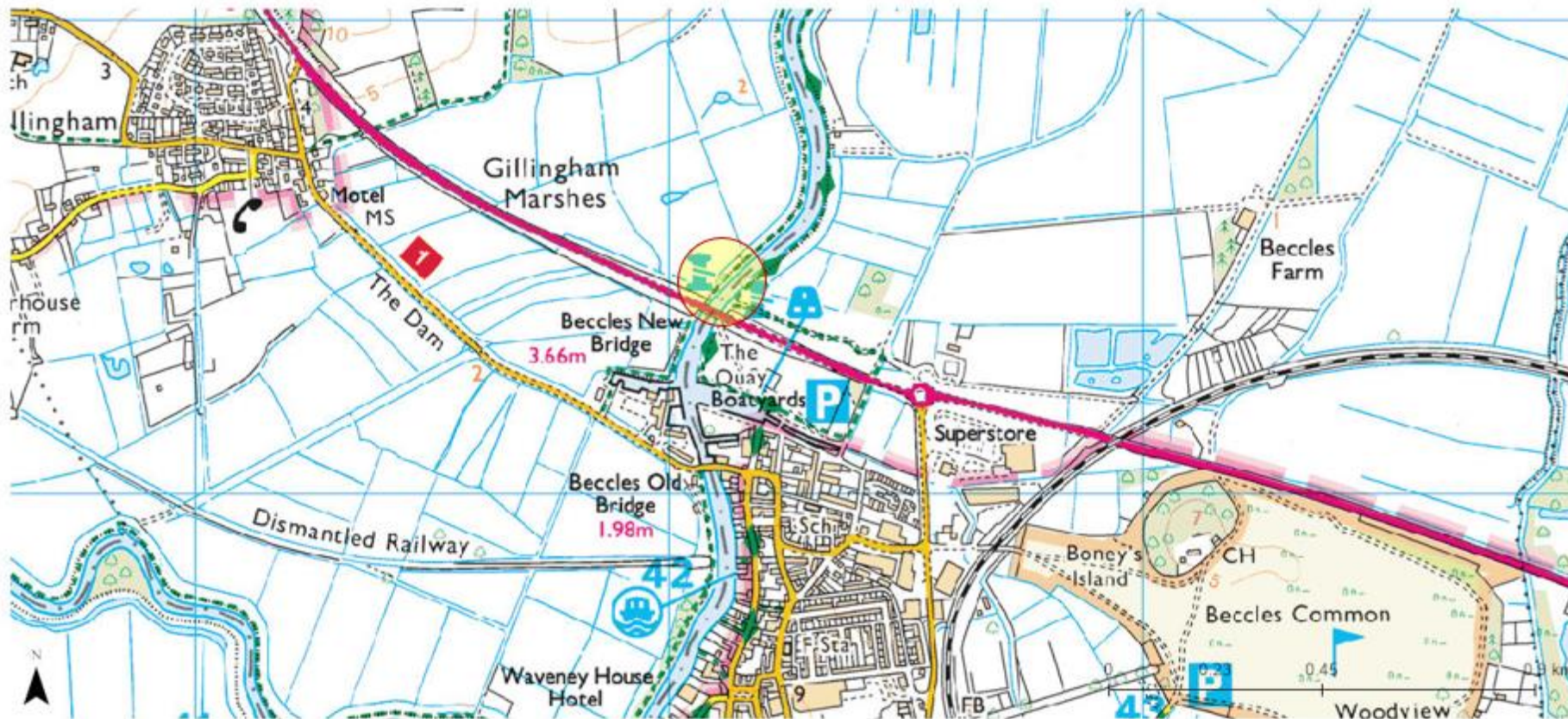
Appendix 2 – [Photos of development](#)

## Appendix 1 – Location maps

BA/2024/0045/UNAUP4 - Land On The South-West Side Of Norwich Road, Gillingham, Beccles



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Appendix 2 – Photos of development



