

Planning Committee

11 October 2024

Agenda item number 8

Enforcement update

Report by Development Manager

Summary

This table shows the monthly updates on enforcement matters. The financial implications of pursuing individual cases are reported on a site-by-site basis.

Recommendation

To note the report.

Committee date & Case number	Location	Infringement	Action taken and current situation [date of update]
14 September 2018 BA/2018/0047/ UNAUP3	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans (Units X and Y)	<ul style="list-style-type: none"> Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. Site being monitored. October 2018 to February 2019. Planning Contravention Notices served 1 March 2019.

Committee date & Case number	Location	Infringement	Action taken and current situation [date of update]
			<ul style="list-style-type: none"> • Site being monitored 14 August 2019. • Further caravan on-site 16 September 2019. • Site being monitored 3 July 2020. • Complaints received. Site to be visited on 29 October 2020. • Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020. • Incomplete response to PCN received on 10 December. Landowner to be given additional response period. • Authority given to commence prosecution proceedings 5 February 2021. • Solicitor instructed 17 February 2021. • Hearing date in Norwich Magistrates Court 12 May 2021. • Summons issued 29 April 2021. • Adjournment requested by landowner on 4 May and refused by Court on 11 May. • Adjournment granted at Hearing on 12 May. • Revised Hearing date of 9 June 2021. • Operator pleaded 'not guilty' at Hearing on 9 June. Trial scheduled for 20 September at Great Yarmouth Magistrates Court. • Legal advice received in respect of new information. Prosecution withdrawn and new PCNs served on 7 September 2021.

Committee date & Case number	Location	Infringement	Action taken and current situation [date of update]
			<ul style="list-style-type: none"> • Further information requested following scant PCN response and confirmation subsequently received that caravans 1 and 3 occupied on Assured Shorthold Tenancies [27/10/2021] • Verbal update to be provided on 3 December 2021 • Enforcement Notices served 30 November, with date of effect of 29 December 2021. Compliance period of 3 months for cessation of unauthorised residential use and 4 months to clear the site [06/12/2021] • Site to be visited after 29 March to check compliance. 23 March 2022 • Site visited 4 April and caravans appear to be occupied. Further PCNs served on 8 April to obtain clarification. There is a further caravan on site [11/04/2022] • PCN returned 12 May 2022 with confirmation that caravans 1 and 3 still occupied. Additional caravan not occupied. • Recommendation that LPA commence prosecution for failure to comply with Enforcement Notice [27/05/2022] • Solicitor instructed to commence prosecution [31/05/2022] • Prosecution in preparation [12/07/2022] • Further caravan, previously empty, now occupied. See separate report on agenda [24/11/2022] • Planning Contravention Notice to clarify occupation served 25 November 2022 [20/01/2023] • Interviews under caution conducted 21 December 2022 [20/01/2023] • Summons submitted to Court [04/04/2023]

Committee date & Case number	Location	Infringement	Action taken and current situation [date of update]
			<ul style="list-style-type: none"> • Listed for hearing on 9 August 2023 at 12pm at Norwich Magistrates' Court [17/05/2023] • Operator pleaded 'not guilty' at hearing on 9 August and elected for trial at Crown Court. Listed for hearing on 6 September 2023 at Norwich Crown Court [09/08/2023] • Hearing at Norwich Crown Court adjourned to 22 September 2023 [01/09/2023] • Hearing at Norwich Crown Court adjourned to 22 December 2023 [26/09/2023] • Hearing postponed at request of Court, to 8 April 2024 rescheduled date [16/01/2024] • Hearing postponed at request of Court, to 14 May rescheduled date [10/04/2024] • Court dismiss Defendants' application to have prosecution case dismissed. Defendants plead 'not guilty' and trial listed for seven days commencing 23 June 2025 [14/05/2024]
<p>8 November 2019</p> <p>BA/2017/0024/UNAUP2</p>	<p>Black gate Farm, High Mill Road, Cobholm</p>	<p>Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static</p>	<ul style="list-style-type: none"> • Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action. • Correspondence with solicitor on behalf of landowner 20 Nov. 2019. • Correspondence with planning agent 3 December 2019. • Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020.

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		caravan units for residential use for purposes of a private travellers' site.	<ul style="list-style-type: none"> • Appeal against Enforcement Notice submitted 26 January 2020 with a request for a Hearing. Awaiting start date for the appeal [03/07/2020] • Appeal start date 17 August 2020. • Hearing scheduled 9 February 2021. • Hearing cancelled. Rescheduled to 20 July 2021. • Hearing completed 20 July and Inspector's decision awaited. • Appeal dismissed with minor variations to Enforcement Notice. Deadline for cessation of caravan use of 12 February 2022 and 12 August 2022 for non-traveller and traveller units respectively, plus 12 October 2022 to clear site of units and hardstanding [12/08/2021] • Retrospective application submitted on 6 December 2021. • Application turned away [16/12/2021] • Site visited 7 March 2022. Of non-traveller caravans, 2 have been removed off site, and occupancy status unclear of 3 remaining so investigations underway. • Further retrospective application submitted and turned away [17/03/2022] • Further information on occupation requested [11/04/2022] • No further information received [13/05/2022] • Site to be checked [06/06/2022] • Site visited and 2 caravans occupied in breach of Enforcement Notice, with another 2 to be vacated by 12 August 2022. Useful discussions held with new solicitor for landowner [12/07/2022] • Further site visited required to confirm situation [07/09/2022]

Committee date & Case number	Location	Infringement	Action taken and current situation [date of update]
			<ul style="list-style-type: none"> • Site visit 20 September confirmed 5 caravans still present. Landowner subsequently offered to remove 3 by end October and remaining 2 by end April 2023 [03/09/2023]. • Offer provisionally accepted on 17 October. Site to be checked after 1 November 2022. • Compliance with terms of offer as four caravans removed (site visits 10 and 23 November). Site to be checked after 31 March 2023 [24/11/2022] • One caravan remaining. Written to landowner’s agent [17/04/2023] • Gypsy and Traveller Accommodation Needs Assessment commissioned June 2023 [01/09/2023] • New consultants engaged to undertake Gypsy and Traveller Accommodation Needs Assessment March 2024 [10/04/2024] • Case review – remaining caravan appears on aerials more than 10 years ago, so siting of it is lawful. It is occupied by a member of the family residing in the main dwelling and so the occupation can be considered ancillary within the planning unit. No further action expedient. Case to be closed [27/09/2024]
13 May 2022 BA/2022/0023/ UNAUP2	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised operation development comprising erection of workshop,	<ul style="list-style-type: none"> • Authority given by Chair and Vice Chair for service of Temporary Stop Notice requiring cessation of construction 13 May 2022 • Temporary Stop Notice served 13 May 2022. • Enforcement Notice and Stop Notice regarding workshop served 1 June 2022 • Enforcement Notice regarding kerbing and lighting served 1 June 2022 • Appeals submitted against both Enforcement Notices [12/07/2022] • Appeals dismissed and Enforcement Notices upheld 29 July 2024.

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		kerbing and lighting	<ul style="list-style-type: none"> • Workshop to be dismantled and removed off site within two months; all associated structures and fixtures to be removed off site, services (electricity) to be disconnected and infrastructure to be removed off-site and the land to be made good within three months • Kerbed structure and lighting columns to be taken down and electricity connections to be taken up, all within two months; all structures, materials and associated debris arising from the above to be removed off site and the land to be made good within three months [30/07/2024] • Site visit to be carried out and owner reminded of compliance periods [27/09/2024]
21 September 2022 BA/2017/0006/ UNAUP1	Land at Loddon Marina, Bridge Street, Loddon	Unauthorised static caravans	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravans. • Enforcement Notice served [04/10/2022] • Enforcement Notice withdrawn on 19 October due to minor error; corrected Enforcement Notice re-served 20 October 2022 • Appeals submitted against Enforcement Notice [24/11/2022] • Appeals dismissed and Enforcement Notices amended and upheld 29 July 2024. • Residential use of the caravans to cease, the caravans and associated structures, fixtures, fittings and domestic paraphernalia to be removed off site, services (including water and electricity) to be disconnected and infrastructure to be removed off-site and the land to be made good, all within six months [30/07/2024]

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			<ul style="list-style-type: none"> • Owner to be reminded that notice to be complied with by 29 January 2025 [27/09/2024]
<p>9 December 2022 BA/2018/0047/ UNAUP3</p>	<p>Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter</p>	<p>Unauthorised static caravan (Unit Z)</p>	<ul style="list-style-type: none"> • Planning Contravention Notice to clarify occupation served 25 Nov 2022. • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of unauthorised static caravan • Enforcement Notice served 11 January 2023 [20/01/2023] • Appeals submitted against Enforcement Notice [16/02/2023] • Appeals dismissed and Enforcement Notices amended and upheld 29 July 2024. • Residential use of the caravan to cease within two months; the caravan and associated structure or fixtures to be removed off site, services (electricity and water) to be disconnected and infrastructure to be removed off-site and the land to be made good within three months [30/07/2024] • Site visit to be carried out and owner reminded of compliance periods [27/09/2024]
<p>31 March 2023 BA/2023/0004/ UNAUP2</p>	<p>Land at the Berney Arms, Reedham</p>	<p>Unauthorised residential use of caravans and outbuilding</p>	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the cessation of the use and the removal of the caravans • Enforcement Notice served 12 April 2023 • Enforcement Notice withdrawn on 26 April 2023 due to error in service. Enforcement Notice re-served 26 April 2023 [12/05/2023] • Appeal submitted against Enforcement Notice [25/05/2023]

Committee date & Case number	Location	Infringement	Action taken and current situation [date of update]
2 February 2024 BA/2022/0007/ UNAUP2	Holly Lodge. Church Loke, Coltishall	Unauthorised replacement windows in listed building	<ul style="list-style-type: none"> • Authority given to serve a Listed Building Enforcement Notice requiring the removal and replacement of the windows and the removal of the shutter. Compliance period of 15 years • LPA in discussions with agent for landowner [10/04/2024] • No resolution achieved through discussion. Legal advice sought [29/08/2024] • Case review – Listed Building enforcement notice to be served, in process of content being considered and drafted [27/09/2024]

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Date of report: 30 September 2024

Background papers: Enforcement files