

East Suffolk

Shadow Authority

SHADOW PLANNING COMMITTEE (NORTH)

Title of Report:

East Suffolk Enforcement Action – Case Update REP43(SH)

Meeting Date

16 April 2019

Report Author and Tel No

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Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 1st April 2019. At present there are 18 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 1 April 2019 be received.

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17 September 2008	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. 	ONGOING – under review.
ENF/2009/0004	8 July 2009	73 High Street, Lowestoft	Unauthorised replacement of shop front	<ul style="list-style-type: none"> • Enforcement Notice served 08/07/2009 • No compliance • Pled guilty to removing shop front – fined around £1700 • Application received 20/03/2012 (DC/12/0313/FUL) • Approved 04/05/2012 with 3 month time limit – not implemented. • Property known to have changed ownership so enforcement action chased up with new owner – 	16/01/2012

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				<p>new 330 Notice required.</p> <ul style="list-style-type: none"> • Letter sent following the erection of new signage, 23rd January 2014, explaining revised design required • Further site meetings in June 2014 – application still needed <p>Application from new owner for works including new shopfront granted CONSENT 08/02/2017 Keep case open until complied.</p> <p>No works have commenced and it is believed that there are some financial issues preventing development – officers to discuss with Regen to ascertain if there would be any help available. Further letter sent to registered owner April 2018 – officers awaiting reply</p> <ul style="list-style-type: none"> • No response received – letter sent to shop 09/05/2018 <ul style="list-style-type: none"> • Contact with tenant and ongoing discussions taking place • Owner not keen to engage with council and has put the onus on his tenant • Shop now within HAZ area but no funding available until April 2019 when match funding may be an option – further discussions to take place • Further discussions with tenant who has now secured funding and is ready to proceed with replacement shop front but needs help finding specialists to do the work – this is in progress and officers are talking to Historic England for further 	

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				<p>help with this.</p> <ul style="list-style-type: none"> • Economic Development and Regeneration also keen to talk to tenant • Meeting arranged, 07/02/19, with officers and senior to discuss how to progress the case. • Meeting rearranged and held on 11/02/19, further advice required and being sought relating to the notice. • Notice to be withdrawn, due to it being agreed that legal action can not be taken under the enforcement notice on file. 	
EN08/0264 & ENF/2013/0191	15/01/2010	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months 	01/04/2019

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				<p>to 18 months.</p> <ul style="list-style-type: none"> • 10/11/2015 – Informal hearing held • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. 	

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				<ul style="list-style-type: none"> • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 	
EN/09/0305	18/07/2013	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld 	31.03.2019

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				<p>Compliance period extended to 4 months</p> <ul style="list-style-type: none"> • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans removed but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. 	
EN13/005	13/12/2013	High Grove Wood, Low Road, Great Glemham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> • 13/12/2013 – PCN served • 19/09/2014 – Enforcement Notice served - takes affect 24/10/2014 • 24/02/2015 - Compliance due date • 07/07/2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered. • 16/07/2015 – Preliminary hearing at Crown Court, next appearance has been set for 	01/05/2019

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				<p>18/09/2015.</p> <ul style="list-style-type: none"> • 02/09/2015 – Enforcement Notice withdrawn on legal advice • 04/03/2016 – New PCN served. • 05/04/2016 – PCN re-served • 27/04/2016 – Completed PCN not returned. • Case is due to be heard at Ipswich Magistrates Court on 01/11/2016 for the offence of failing to return a Planning Contravention Notice. • Case has been adjourned until 06/12/2016 • Trial date set for 03/02/2017 • Trial has been discontinued for further Enforcement Notice to be served. • 27/06/2017 – Enforcement Notice served, Notice effective on 28/07/2017, compliance by 28/11/2017. • 23/01/2018 – site visit undertaken • 08/05/2018 – Site visited on pre-arranged visit, access denied. Another visit arranged for 31/05/2018. • 21/06/2018 – Site visited. • 06/07/2018 – Legal advice being sought as to further action. • 11/09/2018 – Site revisited to check for compliance with Notices. • 12/09/2018 – Case referred back to Legal Department for further action to be considered • 01/11/2018 – Court Hearing at the High Court 	

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				<p>in relation to the 2017 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Four months given for compliance with Enforcement Notice. • 07/03/2019 – Site visit undertaken to check on compliance with Injunction. 	
ENF/2014/0104	16/08/2016	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, 	31/03/2019

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				<p>case passed to Legal for further action.</p> <ul style="list-style-type: none"> 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. 	
ENF/2016/0292	11/08/2016	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> EN served on 21/12/2016 Notice becomes effective on 25/01/2017 Start date has been received. Public Inquiry to be held on 08/11/2017 Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). Site visit to be conducted once compliance period has finished. 	06/04/2019

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				<ul style="list-style-type: none"> 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. Site visit due on 07/01/2019. 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. 26/02/2019 – Update to be given at Committee. Awaiting update from Legal. 	
ENF/2017/0170	21/07/2017	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date Appeal started, final comments due by 08/02/2019. Waiting for decision from Planning Inspectorate. 	31/05/2019
ENF/2016/0300	07/03/2018	Cowpasture Farm, Gulpher Road, Felixstowe	Use of Golf Driving Range for storage of caravans	<ul style="list-style-type: none"> 07/03/2018 – EN served Notice effective on the 09/04/2018 – 3 months for compliance Conjoined appeal for planning application and enforcement notice received Awaiting Start date 11/12/2018 - Appeals have now been withdrawn, new compliance date agreed for caravans to be removed by 31st May 2019. 	31/05/2019

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ENF/2018/0035	26/04/2018	9 Hillcrest Knodishall	Untidy Site	<ul style="list-style-type: none"> • 26/04/2018 – S215 Notice served • 3 months for compliance from 28/05/2018 29/08/2018 – Further action passed to Public Sector Housing Team to take forward. • 09/01/2019 – Site visited, some work has been done to comply with Notice, site to be monitored. 	31/03/2019
ENF/2017/0387	14/08/2018	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> • 14/08/2018 – S215 Notice served • 3 months for compliance from 13/09/2018 • 12/11/18 - Site in the process of being cleared. • 24/12/2018 - Site has been predominantly cleared. • 26/02/2019 – Property has recently been sold, final works expected to be done imminently. 	01/04/2019
ENF/2015/0279/DEV	05/09/2018	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. 	06/04/2019

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ENF/2017/0238/ COND	02/10/2018	Land at unit 1, 2 and 3 Low Farm, New Road, Rumburgh	Holiday let used for residential accommodation.	<ul style="list-style-type: none"> Initial complaint logged by officer, on 27/06/2017, following internal information regarding request to create the address. 29/06/2017 letter sent to owner. 07/03/2018 letter sent to owner at alternative address. 06/04/2018 certificate of lawfulness application received. Application refused 30/05/2018. S16 notice sent 07/09/2018 to gain names of tenants. S16 notice returned 20/09/2018. Notice served by hand on owner and occupants on 02/10/18. Site visit required to check compliance. Site visited 29/03/2019 and confirmed units are empty, therefore the notice has been complied with- case closed. 	02/02/2019
ENF/2018/0057/	15/11/2018	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> Enforcement Notices served on 10/12/2018 Notice effective on 24/01/2019 3 months given for compliance Appeal submitted awaiting Start Date. 	30/06/2019
ENF/2018/0276	23/11/2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> Breach of Condition Notice served Application received to Discharge Conditions Application pending decision 	31/03/2019

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ENF/2018/0319/ COND	19/12/2018	Windy Acres Mutfordwood Lane Mutford	Change of use of 'Day Room' to permanent residential accommodation.	<ul style="list-style-type: none"> Retrospective planning application submitted 26/10/2018 Planning application refused 29/11/2018 Enforcement Notice served to rectify breach relating to the change of use of 'day room to residential dwelling' on 19/12/2018. 	19/07/2019
ENF/2014/0102/ STORE	01/04/2019	Land at Bridge Farm, Top Street, Martlesham	Change of use of land	<ul style="list-style-type: none"> Noticed Served 01/04/2019. 	01/05/2019