



PLANNING COMMITTEE

Title of Report: Enforcement Action – Case Update

Meeting Date 13 October 2015

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Is the report Open or Exempt?	Open
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REPORT

The attached is a summary of the status of all outstanding enforcement cases where enforcement action has either been sanctioned under delegated powers or through the Committee up until 29th September 2015. At present there are 11 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 29th September 2015 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 2010/0191 for further information – committee aware of personal circumstances of occupants 	
2012/0089/USE	9 th January 2015	1 Seaview Chalets, Green Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> Initial contact May 2012 Letters from LPA ignored Case reinvestigated Jan 2015 following further complaint PCN served Breach of Condition Notice served Update from case officer needed 	28 day compliance = end Feb 2015
ENF/2010/0255/COND	26 th January 2012	27 Kessingland Cottages, Rider Haggard Lane	Occupation of a holiday unit as a sole or main residence	<ul style="list-style-type: none"> Investigation shows owner considered to permanently occupy unit Enforcement Notice issued 26.01.2012 Appeal submitted – awaiting start date from Pins <p>Appeal Dismissed</p> <ul style="list-style-type: none"> Property currently for sale 	Compliance date 1 st June 2012
2009/0140	23 June 2009	Chalet 90 Seaview Developments, Green Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main residence	<ul style="list-style-type: none"> Breach of Condition Notice served No Compliance Defendant fined £100, costs of £150 and supplementary £15 fine Further legal action to be taken Chalet currently being advertised for sale at discount. Further action deferred to await developments 	
ENF/2015/0128/DEV		Rear of the White Swan 16 Market Place Bungay	Unauthorised outbuilding	<ul style="list-style-type: none"> Enforcement notice served 18.08.2015 Date of compliance 18.09.2015 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2009/0004	8 July 2009	73 High Street, Lowestoft	Unauthorised replacement of shop front	<ul style="list-style-type: none"> • Enforcement Notice served 8 July 2009 • No compliance • Pleaded 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 now needs to be chased up with new owner – new 330 Notice required. • Letter sent following the erection of new signage, 23rd January 2014, explaining revised design required by end of March. • Further site meetings have taken place between Chris Green and owners in June 2014 and things are moving in the right direction towards an application 	Ongoing, needs chasing
ENF/2011/0255/DEV	6 th December 2011	318 London Road South, Lowestoft	Alleged unauthorised conversion from single dwelling to 3 No. self contained flats	<ul style="list-style-type: none"> • Enquiry from prospective purchaser received – property currently advertised for sale • No planning permission found to authorise conversion to flats • Council tax records show flats registered in 2009 and 2011 • Enforcement Notice served 7th December 2011, taking effect 16th January 2012. Compliance date 15th January 2013 • July 2015 - no evidence the breach has been rectified. Owner and occupier have been written to seeking clarification before course of action is determined. • In discussion with Legal team regarding prosecution 	Notice takes effect 16 th January 2012

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2015/0007/COND	15.01.2015	Low Farm, New Road Rumburgh	Non-compliance with condition requiring the landowner to cease the use of the site (including the washing of vehicles) outside the permitted working hours namely before 07.00 and after 17.00 Monday to Friday, before 8.00 and after 13.00 Saturdays and at any time on Sundays or bank holidays.	<ul style="list-style-type: none"> Breach of Condition Notice served 16.01.2015 Officers have had meetings with owner.. Site currently still operating in breach – further action under consideration UPDATE: Planning application submitted to vary conditions on existing consent to allow vehicles to leave site at 06.20 hours Monday to Friday –rejected at DC Committee on 28.04.2015 <ul style="list-style-type: none"> Further submission on July planning agenda for consideration OUTCOME of last Committee: Temp pp granted for 6 months Noise monitoring reports to be done and submitted No cars before 6.30am condition 	28 days = 13 th Feb 2015 In hand
ENF/2015/0211/COND H	16.07.2015	6 Thoroughfare Halesworth	Non compliance with condition on LBC granted January 2015. Required urgent attention to damp problem causing harm to LB. Vent tile agreed but has not been fitted	Letter and Breach of Conditions Notice served on Owner and tenant Agent has made contact and is seeking to rectify asap – Conservation Officer and Building Control to visit premises. Visit took place on 27 th August – advised to fit vent to comply with B Regs within 28 days	24 September 2015 COMPLIED – Building Control happy with ventilation NFA
ENF/2014/0145/LISTM	30.01.2015	Former Flixton Hall, Flixton West, Bungay	Unauthorised works to grade II* listed building	Evidence gathering and interviews Enforcement Notices served 13 th April 2015 Takes effect 15 May 2015 APPEAL LODGED	Some elements= 6 month compliance Other elements 12 months compliance after notice takes effect.= 15 May 2016
ENF/2014/0096/COND	28.07.2015	Holton Sawmills	Containers still on site beyond deadline for clearance	Containers granted temporary pp under DC/11/0865/COU, expiring on 30 November 2012. Breach of Condition Notice served 29.07.2015 NOT COMPLIED – need to take action	42 days from service = 9th September