

PLANNING COMMITTEE**17 January 2017****Title of Report:****Enforcement Action – Case Update****Meeting Date****17 January 2017****Report Author and Tel No**Phillip Rowson
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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 where enforcement action has either been sanctioned under delegated powers or through the Committee up until 3 January 2017. At present there are 5 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 3 January 2017 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 • 	ONGOING – NO ACTION REQUIRED AT PRESENT TIME
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 	Original compliance = end Feb 2015

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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 • 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 • Further site meetings in June 2014 – slow progress being made but application still needed 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> • Ongoing, --contact from new owner October 2016 – new application pending DC/16/5329/FUL hoping to address shopfront as part of consent for property use. 	
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"> • Enforcement Notice served 7th Dec 2011, - Compliance date 15th Jan 2013. • Officers met with the owners and their solicitor at the premises on 26 October 2016. • The upper floors of the premises have been converted back into a single planning unit. The conversion works are ongoing and there are no bathroom or kitchen facilities within the upper floors to make it habitable. 	Notice took effect 16 th January 2012

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				<ul style="list-style-type: none"> • The owner continues to live in the basement whilst undertaking the conversion works. The basement remains a self contained planning unit that is capable of being occupied independently of the rest of the premises. • With the upper floors of the premises incapable of being occupied, officers consider there to be no breach of planning control. • Once the upper floors become habitable and to ensure compliance with the enforcement Notice the owner has agreed to either: (i) remove the kitchen from the basement so that it is incapable of being occupied as a separate independent planning unit; or (ii) block 	

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				<p>off the basement, or (iii) remove the bathroom and kitchen and use the basement as storage in connection with the premises.</p> <ul style="list-style-type: none"> • Officers wrote to the owners on 9 November 2016 confirming that on the basis of the above the Council agrees that it is not expedient at this moment to pursue legal proceedings in relation to the Enforcement Notice. • The Council will continue to monitor the use of the property until such time as we receive written confirmation of the conversion at which point the enforcement case may be closed. • If officers receive information to suggest that 	

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				the property has been subdivided and is being occupied as multiple independent residential flats then we may consider it necessary to take further action.	
ENF/2016/0004/MULTIH	29.04.2016	Woodland Lodge, Bungay Road Beccles	Unauthorised conversion of outbuilding to residential use	<ul style="list-style-type: none"> • Visited January 2016 following anonymous complaints • PCN returned FEBRUARY, CLAIMS BEEN IN RESIDENTIAL USE FOR AT LEAST 4 YEARS • No evidence to substantiate this claim • Enforcement Notice served 13.09.2016 	Notice takes effect on 18 st October 2016 - 3 months compliance thereafter = 18th January 2017