

PLANNING COMMITTEE**Title of Report:**

Enforcement Action – Case Update

Meeting Date

18th September 2018

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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 30th August 2018. At present there are 6 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 30th August 2018 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 Unauthorized 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 but situation to be reviewed imminently
2012/0089/USE	9 th January 2015	1 Seaview Chalets, Green Lane, Kessingland	Breach of Condition Unauthorized 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 • No current breach detected - reviewed January 2018 	Original compliance = end Feb 2015 As above
ENF/2009/0004	8 July 2009	73 High Street, Lowestoft	Unauthorized 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 	Notice took effect 16 th January 2012

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				<ul style="list-style-type: none"> • 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 – 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 – application still needed Application from new owner for works including new shopfront granted CONSENT 08.02.2017 Keep case open until complied. 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 • No response received – letter sent to shop 09.05.2018 <ul style="list-style-type: none"> • Contact with tenant and ongoing discussions taking 	

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				<p>place</p> <ul style="list-style-type: none"> • 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 help with this. • Economic Development and Regeneration also keen to talk to tenant 	
ENF/2016/0185/ BUSI H	01.02.2018	Common Lane Crossing Common lane North Beccles	Untidy land, storing of scrap materials	<ul style="list-style-type: none"> • Initial complaint received from Councillor 24.05.2016 • application to extend dwelling submitted 23.10.2017 (17/4488/ful.) Spoke to owner regarding clearance of the site. He agreed to comply, officer advised that maybe three restoration projects on site might be a hobby 	02.04.2018

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				<p>but more would be unreasonable.</p> <ul style="list-style-type: none"> • Pressed owner 15.12.2017 to see when it would be cleared. It was evident that he wanted to start the build before a six month period had elapsed. Furthermore the sale of the scrap is supposed to finance the build. • Saw owner on site 24.4.18 and asked about compliance. He reminded me that he had promised to clear the site by the end of June and that the bad weather over the winter had prevented this. To be reasonable therefore inspect at end of June and commence court action if no progress. • Revisited 11/07/18 Cars down to 1 Porsche, 1 other a van and a caravan, plus a tractor grass cutter. So normal domestic levels apart from the tractor. The amount of detritus appears to have reduced a bit and been tidied up. 	

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ENF/2017/0257/ STRUCT	01.02.2018	82-84 Beaconsfield Road Lowestoft South	Unauthorised rear extension/roof terrace	<ul style="list-style-type: none"> • Complaint received from neighbour July 2017 about various developments due to health and safety concerns regarding construction and fire risk • Building Control visited and advice given • Letter sent to owners advising that a planning breach had been identified • Correspondence with owners' solicitors and site visits undertaken during August 2017 • October 2017- Owners advised that a retrospective application would not be supported due to harm caused to neighbouring amenity. Warned that Enforcement Notice will follow unless rectified. • Notices served, specifying generous 6 month compliance • Landowner and builder attended office 20th April 2018 and agreed to remove 	02.09.2018

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				<p>the structure and inform when this had been done, recognised that this would need to be within the period allowed.</p> <ul style="list-style-type: none"> • Letter received from owners stating the structure will be removed by the compliance date in July. Site to be checked as necessary. • Unauthorised structure removed on visit 07/08/19. Case Closed. 	
ENF/2017/0316/CO ND	No Notice Served Yet.	Maisebrooke Farm, Bungay Road, Shipmeadow, Bungay	<p>- Breach in conditions DC/15/0401/FUL, access created needs to be stopped up. -Unauthorised dog training facility, buildings, portable toilet, converted land.</p>	<ul style="list-style-type: none"> • Initial Site visited 22/08/2017 • Emails exchanged with owners explaining the unauthorised structures and facilities would need planning permission and the access would be unlikely to receive support due to highways concerns, but was given 28 days to submit or close the access. • 28/06/2018 Owner submitted Pre Application Advice for the change of use and structures which received a positive response. 	

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				<ul style="list-style-type: none"> • 09/08/2018 Letter sent to owner given 28 days to cease the change in use and remove structures or apply for planning permission and given 14 days to close the access. • Site visit planned for 31/08/2018 with Ben Chester, Senior Development Management Engineer of Highways, Liz Beighton, Interim Planning Development Manager and Mia Glass, Assistant Planning and Enforcement Officer 	