

PLANNING COMMITTEE**Title of Report:**

Enforcement Action – Case Update

Meeting Date

15th January 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 24th December 2018. At present there are 7 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 Council's 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 24th December 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 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 but situation to be reviewed imminently |
| 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 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. | Notice took effect 16 th January 2012 |

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| | | | | <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 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 | 02.04.2018 |

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| | | | | <p>comply, officer advised that maybe three restoration projects on site might be a hobby 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. | |
| ENF/2017/0316/COND | 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 | |

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| | | | | <p>response.</p> <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 • Peter Thompson is in discussions with the legal department regrading action required. • Second access has been blocked up. • Compliance visit to take place within the next 2 weeks to check progress. • Mia Glass visited the site on 02/11/18 and saw the cabin, portable toilet and dog training equipment has all been removed. • Variation of condition application received, DC/18/4714/VOC, on 14/11/18 for a variation of Highway conditions to accord with revised use of the site. | |
| 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 | <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 | 06/04/2019 |

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| | | | formation of a lake and soil bunds. | <p>and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. | |
| 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. | 02/02/2019 |
| 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 |