

**PLANNING COMMITTEE****Title of Report:**

Enforcement Action – Case Update

**Meeting Date**

12 March 2019

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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 21 February 2019. 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 12 March 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"> <li>• Breach of Condition Notice</li> <li>• Compliance expired following extension of time</li> <li>• Further consideration by Service Manager and Legal</li> <li>• See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants</li> <li>• Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case.</li> <li>• <b>Contact made with occupants on 6 February 2019 and legal advice being sought on progressing the case.</b></li> </ul>	ONGOING – under review.
ENF/2009/0004	8 July 2009	73 High Street, Lowestoft	Unauthorised replacement of shop front	<ul style="list-style-type: none"> <li>• Enforcement Notice served 08.07.2009</li> <li>• No compliance</li> <li>• Pled guilty to removing shop front – fined around £1700</li> <li>• Application received 20.03.2012 (DC/12/0313/FUL)</li> <li>• Approved 04.05.2012 with 3 month time limit – not implemented.</li> <li>• Property known to have changed ownership so enforcement action chased up with new owner – new 330 Notice required.</li> <li>• Letter sent following the erection of new signage, 23<sup>rd</sup> January 2014, explaining revised design</li> </ul>	Notice took effect 16 <sup>th</sup> January 2012

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				<p>required</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• No response received – letter sent to shop 09.05.2018 <ul style="list-style-type: none"> <li>• Contact with tenant and ongoing discussions taking place</li> <li>• Owner not keen to engage with council and has put the onus on his tenant</li> </ul> </li> <li>• Shop now within HAZ area but no funding available until April 2019 when match funding may be an option – further discussions to take place</li> <li>• 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.</li> <li>• Economic Development and Regeneration also keen to talk to tenant</li> </ul>	

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				<ul style="list-style-type: none"> <li>• Meeting arranged, 07/02/19, with officers and senior to discuss how to progress the case.</li> <li>• <b>Meeting rearranged and held on 11/02/19, further advice required and being sought relating to the notice.</b></li> </ul>	
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"> <li>• Initial complaint received from Councillor 24.05.2016</li> <li>• 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 but more would be unreasonable.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>	02.04.2018

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				<p>have reduced a bit and been tidied up.</p> <ul style="list-style-type: none"> <li>• Visit due 25/01/19 to check compliance.</li> <li>• <b>Site visited 25/01/19, site has been improved from point that the notice was served. It has been determined that due to the low impact the site has to the surrounding area, that no further action is required.</b></li> </ul>	
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.</p> <p>-Unauthorised dog training facility, buildings, portable toilet, converted land.</p>	<ul style="list-style-type: none"> <li>• Initial Site visited 22/08/2017</li> <li>• 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.</li> <li>• 28/06/2018 Owner submitted Pre Application Advice for the change of use and structures which received a positive response.</li> <li>• 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.</li> <li>• 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</li> <li>• Peter Thompson is in discussions with the legal department regarding action required.</li> </ul>	

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				<ul style="list-style-type: none"> <li>• Second access has been blocked up.</li> <li>• Compliance visit to take place within the next 2 weeks to check progress.</li> <li>• Mia Glass visited the site on 02/11/18 and saw the cabin, portable toilet and dog training equipment has all been removed.</li> <li>• 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.</li> <li>• Application pending consideration.</li> <li>• <b>Planning Permission, DC/18/4714/VOC granted 05/02/19.</b></li> </ul>	
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"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016.</li> <li>• Retrospective app received 01/03/2017.</li> <li>• 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.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• <b>Appeal has been submitted.</b></li> </ul>	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"> <li>• Initial complaint logged by officer, on 27/06/2017, following internal information regarding request to create the address.</li> <li>• 29/06/2017 letter sent to owner.</li> <li>• 07/03/2018 letter sent to owner at alternative address.</li> <li>• 06/04/2018 certificate of lawfulness application received.</li> <li>• Application refused 30/05/2018.</li> <li>• S16 notice sent 07/09/2018 to gain names of tenants.</li> <li>• S16 notice returned 20/09/2018.</li> <li>• Notice served by hand on owner and occupants on 02/10/18.</li> <li>• <b>Site visit required to check compliance.</b></li> </ul>	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"> <li>• Retrospective planning application submitted 26/10/2018</li> <li>• Planning application refused 29/11/2018</li> <li>• Enforcement Notice served to rectify breach relating to the change of use of 'day room to residential dwelling' on 19/12/2018.</li> </ul>	19/07/2019