

Planning Committee

Thursday, 15 February 2018

AUTHORISED ENFORCEMENT ACTION - CASE UPDATE – FROM 18 JANUARY 2017 (PC 10/18)

Report by Head of Planning and Coastal Management

EXECUTIVE SUMMARY

1. 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 2nd February 2018. At present there are 15 such cases. Planning Contravention Notices served during the report period have now been included.
2. 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.
3. 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 Planning Service.

Wards Affected:	All
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BACKGROUND PAPERS:

None, other than published works

Philip Ridley

Head of Planning and Coastal Management

For further information, please contact Cate Buck, Planning Enforcement Officer on (01394) 444290, e-mail: cate.buck@eastsoffolk.gov.uk

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
EN08/0264 & ENF/2013/0191	15.01.2010	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15.10.2010 - EN served • 08.02.2010 - Appeal received • 10.11.2010 - Appeal dismissed • 23.03.2011 - Site visited undertaken by Officers • 09.08.2012 - PCN sent Site meeting to discuss current situation and ways forward • 25.06.2013 - Three Planning applications • 06.11.2013 – Applications refused at committee. • 18.11.2013 – Case file referred to Legal for Court date • 13.12.2013 - Appeal Lodged • 21.03.2014 – EN’s served and become effective on 24.04.2014. Compliance periods 12 months and 3 months unless appealed. • 22.04.2014 - Notice received from Agent informing us that all four Enforcement Notices have been appealed. • 04.07.2014 - Appeal Start date - Appeal to be dealt with by Hearing <p>CONTINUED OVERLEAF</p>	31.03.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • 31.01.2015 – New planning appeal received for refusal of Application DC/13/3708 • 03.02.2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extend from 12 months to 18 months. • Hearing date for planning appeal changed to 12.08.2015 • 14.09.2015 – Comments submitted to PINS in response to new ‘Planning Policy for Travellers Sites’. • 10.11.2015 – Informal hearing held for Planning appeal – Inspector decision pending. • 01.03.2016 – Planning Appeal dismissed by Inspector. • 27.07.2016 – Site visit to be conducted after 03.08.2016 • 04.08.2016 – Site re-visited three of four Notices have not been complied with. Legal advice sought in confidence. <p>CONTINUED OVERLEAF</p>	

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • Court date set for 06/12/2016 • Case adjourned for Pre Trial Hearing on 12.01.2017 • Trial date set for 21st April 2017 • Three of the charges taken before the District Judge were adjourned until after the Barn appeal. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16th June 2017. • 19.06.2017 – Site re-visited, no compliance with the Enforcement Notice. • Further legal advice being sought • Injunction hearing set for 07.11.2017 • 07.11.2017 - Interim Injunction granted • 14.11.2017 – Full Injunction granted for the removal of the mobile home and steps • 21.11.2017 – Mobile home and steps removed from site 	

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
EN/09/0305	18.07.2013	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13.09.2013 -Enforcement Notice served. • 24.02.2014 - Appeal site visit set • 11.03.2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11.07.2014 - Final compliance date • 05.09.2014 - Planning application for change of use received • 21.07.2015 – Application to be reported to Planning Committee for determination • 12.08.2015 – Site to be visited to check for compliance with Enforcement Notice • 14.09.2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30.10.2015 • 11.02.2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09.08.2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. <p>CONTINUED OVERLEAF</p>	31.02.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> Further enforcement action to be put on hold and site to be monitored 	
EN/11/0271	30.08.2012	Newbourne Business Park, Newbourne	Breach of working hours and outdoor activities and storage conditions	<ul style="list-style-type: none"> 19/08/2016 – 16/09/2016 – CCTV surveillance undertaken 24/10/2016 – files passed to Legal – advice sought 30.05.17 – legal action being pursued. 03.07.2017 – Further action to be taken at Ipswich Magistrates Court. Court case adjourned to 08.08.2017 Court case adjourned to 31.10.2017 Case adjourned to 30.01.2018 Case adjourned until 29.05.2018 for trial date to be set. Appeal received for Planning Refusal 	30.06.2018
EN13/005	13.12.2013	High Grove Wood, Low Road, Great Glenham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> 13.12.2013 – PCN served 07.02.2014 – PCN returned 02.04.2014 - Committee Report seeking authorisation for formal action. 02.04.2014 – Enforcement Action authorised. <p>CONTINUED OVERLEAF</p>	31.01.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • 19.09.2014 – Enforcement Notice served - takes affect 24.10.2014 • 24.02.2015 - Compliance due date • 27.02.2015 – Site visited, notice has not been complied with. File with Legal for further action to be considered • 07.07.2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered. • 16.07.2015 – Preliminary hearing at Crown Court, next appearance has been set for 18th September 2015. • 02.09.2015 – Enforcement Notice withdrawn on legal advice • 09.10.2015 – New PCN drafted and with Legal for checking • 04.03.2016 – New PCN served. • 05.04.2016 – PCN re-served • 27.04.2016 – Completed PCN not returned, • Legal advice sought in confidence. <p>CONTINUED OVERLEAF</p>	

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • Case is due to be heard at Ipswich Magistrates Court on 1st November 2016 for the offence of failing to return a Planning Contravention Notice. • Case has been adjourned until 6th December 2016. • Trial date set for 03.02.2017 • Trial has been discontinued for further Enforcement Notice to be served. • 27.02.2017 – New enforcement notice has been drafted and is with legal for checking. • 27.06.2017 – Enforcement Notice served, Notice effective on 28.07.2017, compliance by 28.11.2017. • 23.01.2018 – site visit undertaken, officers were unable to get on the site. Further steps to be taken to gain access. 	
ENF/2014/0104	16.08.2016	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 16.08.2016 – PCN served • 08.11.2016 – Authorisation being sought from Committee to serve a S215 Notice. • 23.11.2016 – Authorisation granted to serve an Enforcement Notice <p>CONTINUED OVERLEAF</p>	13.02.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • Notice to be drafted. • Notice drafted, with Legal for checking. • 22.03.2017 – Enforcement Notice served. Notice takes effect on 26th April 2017. Compliance period is 4 months. • The Council has had notice that an appeal has been submitted and is awaiting a Start Letter. • 17.07.2017 – Enforcement Notice withdrawn and to be re-served • 29.08.2017 – Notice re-drafted and with legal for checking • 11.10.2017 – Notice re-served, effective on 13.11.2017 – 3 months for compliance 	
ENF/2015/0215	22.02.2017	Laneside, Meeting Lane, Grundisburgh	Erection of an outbuilding	<ul style="list-style-type: none"> • 27.02.2017 – Enforcement Notice drafted, with Legal for checking • Enforcement Notice served on 13.04.2017. Notice becomes effective on 16.05.2017. 2 months given for compliance. • The Council has received notice that an appeal has been submitted and is awaiting a Start Letter. <p>CONTINUED OVERLEAF</p>	05.04.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • Enforcement Appeal received, Statements due by 18.08.2017 • Appeal decision issued, Notice upheld with an amendment to the time for compliance from 2 to 6 months. Date of compliance now 05.04.2018. 	
ENF/2015/0286	07.11.2013	Melton Boatyard, Dock Lane, Melton	Erection of large outbuilding/boatstore	<ul style="list-style-type: none"> • 07.11.2013 - Authorisation sought to serve EN on unauthorised residential caravan • 28.11.2013 – Requisition for Information (S16) served • 14.01.2014 – Meeting with owner and he has agreed to remove the caravan by the end of August 2014. This was deemed to be acceptable and site will be visited to ensure this has been done. • 18.02.2015 – Site visited, caravan still on site. Letter sent to owner requesting removal of caravan by 18.03.2015. • 08.04.2015 – further action delayed due to death of owner • 01.09.2015 – PCN to be drafted to check current situation with mobile home. <p>CONTINUED OVERLEAF</p>	31.02.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • 18.09.2015 – PCN drafted • 12.10.2015 – PCN served • 31.12.2015 – PCN not returned • 08.02.2016 – PCN to be re-served • 12.02.2016 – PCN served • 01.03.2016 – PCN returned, file being reviewed • 11.04.2016 – Site meeting • 26.04.2016 – Letter sent to owner requesting removal of caravan within 42 days and a Planning Application or Pre Application Advice application within 35 days. • 15.06.2016 – investigation ongoing • 27.07.2016 – Planning application to be submitted for boat store • 09.08.2016 – Caravan still in situ, further action to be considered. • 06.09.2016 – Enforcement Notice to be drafted • 12.09.2016 – Planning application received for boat store <p>CONTINUED OVERLEAF</p>	

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • 16.09.2016 – Enforcement Notice drafted • 04/11/2016 – Mobile home has been removed from the land. 	
ENF/2016/0016	18.05.2017	Homeland House Ashbocking Road Swilland	Change of use of land	<ul style="list-style-type: none"> • Planning application refused at Committee • 03.07.2017 - Enforcement Notice drafted and with Legal Dept for checking • 21.07.2017 – Enforcement Notice served. Notice becomes live on 21.08.2017 unless an appeal is received beforehand • New planning application submitted on 24.08.2017. • Planning application refused on 10.10.2017 • Compliance date for EN 21.12.2017 • 21.12.2017 – Site visit completed • 05.01.2018 - Case reviewed and passed to Legal department to take further action. 	28.02.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
ENF/2016/0179	24/11/2016	Land Between Crab Apple Cottage And Heatherlands House, Aldringham	Siting of a caravan	<ul style="list-style-type: none"> • 24.11.16 – PCN served • Case ongoing. 	31.01.2018
ENF/2016/0292	11.08.2016	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> • 11.08.2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. • Enforcement Notice to be drafted • Enforcement Notice served on 20.10.2016, Notice effective on 24th November 2016 – 8 year compliance period. 	24.11.2024
ENF/2016/0425	21.12.2016	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> • EN served on 21.12.2016 • Notice becomes effective on 25.01.2017 • Start date has been received; appeal will be a Public Enquiry. Statement of Case to be in 3rd May 2017. <p>CONTINUED OVERLEAF</p>	28.02.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
				<ul style="list-style-type: none"> • Public Inquiry to be held on 08.11.2017 • Decision from Planning Inspectorate due January 2018 • Appeal decision delayed by Planning Inspectorate 	
ENF/2015/0040 & ENF/2017/0215/ USE	06.02.2015	52 Maybush Lane, Felixstowe	Sub-division of residential property and use of garage as an annexe	<ul style="list-style-type: none"> • 06.02.2015 – PCN served. • 04.03.2015 – Contact received from owner, letter sent requesting unauthorised sub-division cease by 04.05.2015 • 13.05.2015 - Pre-application received and CLU application anticipated CONTINUED OVERLEAF • 22.10.15 – CLU application received. – pending decision. • CLU refused. With case officer for review. 	31.01.2018
ENF/2017/0101	17.01.2018	Unit R2B, Moat Park, Framlingham Road, Earl Soham	Change of use of building from B1 to D2 (Assembly and Leisure) gymnasium use.	<ul style="list-style-type: none"> • 17.01.2018 – Enforcement Notice served on unauthorised change of use. • 4 months for compliance period starts on 16.02.2018 	16.06.2018

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
ENF/2017/0170/ USE	21.07.2017	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 21.07.2017 – PCN served. • Committee Report to be presented to Committee on 16 November 2017 • 16.11.2017 – Authorisation given to serve EN. • 28.11.2017 – EN to be drafted. • 02.02.2018 – EN drafted 	31.02.2018
ENF/2017/0233	12.01.2018	24 Haven Close Felixstowe	Untidy Site	<ul style="list-style-type: none"> • 12.01.2018 - S215 Notice served • 3 months for compliance from 12.02.2018 	12.05.2018