

## **PLANNING COMMITTEE**

Thursday 21 February 2019

### **AUTHORISED ENFORCEMENT ACTION – CASE UPDATE – FROM 17 JANUARY 2019 (PC 06/19)**

Report of the 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 8<sup>th</sup> February 2019.
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 at the meeting 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.

<b>Wards Affected:</b>	All
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#### **BACKGROUND PAPERS:**

None, other than published works

Philip Ridley

Head of Planning and Coastal Management

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For further information, please contact Cate Buck, Senior Planning Enforcement Officer on (01394) 444290, e-mail: [cate.buck@eastsuffolk.gov.uk](mailto:cate.buck@eastsuffolk.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"> <li>• 15.10.2010 - EN served</li> <li>• 08.02.2010 - Appeal received</li> <li>• 10.11.2010 - Appeal dismissed</li> <li>• 25.06.2013 - Three Planning applications received</li> <li>• 06.11.2013 – The three applications refused at Planning Committee.</li> <li>• 13.12.2013 - Appeal Lodged</li> <li>• 21.03.2014 – EN's served and become effective on 24.04.2014. 04.07.2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31.01.2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 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 extended from 12 months to 18 months.</li> </ul> <p>CONTINUED OVERLEAF</p>	01.03.2019

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"> <li>• 10.11.2015 – Informal hearing held</li> <li>• 01.03.2016 – Planning Appeal dismissed</li> <li>• 04.08.2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21.04.2017</li> <li>• 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.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16.06.2017</li> <li>• 19.06.2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14.11.2017 – Full Injunction granted for the removal of the mobile home and steps</li> <li>• 21.11.2017 – Mobile home and steps removed from site</li> <li>• Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> </ul> <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"> <li>• 27.06.2018 – Compliance visit conducted to check on whether the 2010</li> <li>• 06.07.2018 – Legal advice being sought</li> <li>• 10.09.2018 – Site revisited to check for compliance with Notices.</li> <li>• 11.09.2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11.10.2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice. Injunction granted. Two months for compliance (11.12.2018).</li> <li>• 01.11.2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> </ul> <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"> <li>13.12.2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action</li> <li><b>04.02.2019 –Site visit undertaken to check on compliance with Injunction served on 01.11.2018</b></li> </ul>	
EN/09/0305	18.07.2013	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>Authorisation granted to serve Enforcement Notice.</li> <li>13.09.2013 -Enforcement Notice served.</li> <li>11.03.2014 – Appeal determined - EN upheld Compliance period extended to 4 months</li> <li>11.07.2014 - Final compliance date</li> <li>05.09.2014 - Planning application for change of use received</li> <li>21.07.2015 – Application to be reported to Planning Committee for determination</li> <li>14.09.2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30.10.2015</li> </ul> <p>CONTINUED OVERLEAF</p>	31.03.2019

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"> <li>• 11.02.2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>• 09.08.2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• <b>29.01.2019 - Legal advice sought; letter sent to site owner.</b></li> </ul>	
EN13/005	13.12.2013	High Grove Wood, Low Road, Great Glemham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> <li>• 13.12.2013 – PCN served</li> <li>• 19.09.2014 – Enforcement Notice served - takes affect 24.10.2014</li> <li>• 24.02.2015 - Compliance due date 07.07.2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered.</li> </ul> <p>CONTINUED OVERLEAF</p>	01.04.2019

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"> <li>• 16.07.2015 – Preliminary hearing at Crown Court, next appearance has been set for 18.09.2015.</li> <li>• 02.09.2015 – Enforcement Notice withdrawn on legal advice</li> <li>• 04.03.2016 – New PCN served.</li> <li>• 05.04.2016 – PCN re-served</li> <li>• 27.04.2016 – Completed PCN not returned.</li> <li>• Case is due to be heard at Ipswich Magistrates Court on 01.11.2016 for the offence of failing to return a Planning Contravention Notice.</li> <li>• Case has been adjourned until 06.12.2016</li> <li>• Trial date set for 03.02.2017</li> <li>• Trial has been discontinued for further Enforcement Notice to be served.</li> <li>• 27.06.2017 – Enforcement Notice served, Notice effective on 28.07.2017, compliance by 28.11.2017.</li> <li>• 23.01.2018 – site visit undertaken</li> </ul> <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"> <li>08.05.2018 – Site visited on pre-arranged visit, access denied. Another visit arranged for 31.05.2018.</li> <li>21.06.2018 – Site visited.</li> <li>06.07.2018 – Legal advice being sought as to further action.</li> <li>11.09.2018 – Site revisited to check for compliance with Notices.</li> <li>12.09.2018 – Case referred back to Legal Department for further action to be considered</li> <li>01.11.2018 – Court Hearing at the High Court in relation to the 2017 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>Injunction granted. Four months given for compliance with Enforcement Notice.</li> </ul>	
ENF/2014/0104	16.08.2016	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>23.11.2016 – Authorisation granted to serve an Enforcement Notice</li> <li>22.03.2017 – Enforcement Notice served. Notice takes effect on 26.04.2017. Compliance period is 4 months.</li> </ul> <p>CONTINUED OVERLEAF</p>	28.02.2019



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"> <li>• 17.07.2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11.10.2017 – Notice re-served, effective on 13.11.2017 – 3 months for compliance</li> <li>• 23.02.2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09.07.2018 – Notice reserved, compliance date 3 months from 06.08.2018 (expires 06.11.2018)</li> <li>• 01.10.2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06.12.2018</li> <li>• Site visit to be completed after the 06.12.2018 to check for compliance with the Notice</li> <li>• 07.12.2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> </ul> <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"> <li>17.01.2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> </ul>	
ENF/2016/0292	11.08.2016	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11.08.2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20.10.2016, Notice effective on 24.11. 2016 – 8 year compliance period (expires 24.11.2024).</li> </ul>	24.11.2024
ENF/2016/0300	07/03/2018	Cowpasture Farm, Gulpher Road, Felixstowe	Use of Golf Driving Range for storage of caravans	<ul style="list-style-type: none"> <li>07.03.2018 – EN served</li> <li>Notice effective on the 09.04.2018 – 3 months for compliance</li> <li>Conjoined appeal for planning application and enforcement notice received</li> <li>Awaiting Start date</li> <li>11.12.2018 - Appeals have now been withdrawn, new compliance date agreed for caravans to be removed by 31<sup>st</sup> May 2019.</li> </ul>	31.05.2019

LPA Reference	Date of Authorisation	Location	Breach	Status of Case and any Updates	Expected Date by Which Compliance (or Expected or Prosecution Date)
ENF/2016/0425	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"> <li>• EN served on 21.12.2016</li> <li>• Notice becomes effective on 25.01.2017</li> <li>• Start date has been received. Public Inquiry to be held on 08.11.2017</li> <li>• Enforcement Appeal to be re-opened Public Inquiry set for 15.05.2018.</li> <li>• 06.06.2018 – Appeal dismissed. Three months for compliance from 06.06.2018 (expires 06.09.2018).</li> <li>• Site visit to be conducted once compliance period has finished.</li> <li>• 09.10.2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>• Site visit due on 07.01.2019.</li> <li>• <b>07.01.2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action.</b></li> </ul>	31.03.2019

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	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"> <li>16.11.2017 – Authorisation given to serve EN.</li> <li>22.02.2018 – EN issued. Notice comes into effect on 30.03.2018 and has a 4 month compliance period</li> <li>Appeal submitted. Awaiting Start date</li> <li>Appeal started, final comments due by 08.02.2019.</li> </ul>	31.05.2019
ENF/2017/0387	14.08.2018	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> <li>14.08.2018 – S215 Notice served</li> <li>3 months for compliance from 13.09.2018</li> <li>12.11.18 - Site in the process of being cleared.</li> <li>24.12.2018 - Site has been predominantly cleared.</li> </ul>	28.02.2019
ENF/2018/0035	26.04.2018	9 Hillcrest Knodishall	Untidy Site	<ul style="list-style-type: none"> <li>26.04.2018 – S215 Notice served</li> <li>3 months for compliance from 28.05.2018</li> <li>29.08.2018 – Further action passed to Public Sector Housing Team to take forward</li> </ul> <p>CONTINUED OVERLEAF</p>	31.03.2019

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				<ul style="list-style-type: none"> <li>• <b>09.01.2019 – Site visited, some work has been done to comply with Notice, site to be monitored.</b></li> </ul>	
ENF/2018/0057/	15.11.2018	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refridgeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10.12.2018</li> <li>• Notice effective on 24.01.2019</li> <li>• 3 months given for compliance</li> </ul>	24.04.2019
ENF/2018/0229	23.11.2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 2, 3,4 and 5 of planning permission DC/17/1772/FUL.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Notice withdrawn. Applications received to Discharge Conditions.</li> </ul>	20.02.2019 and 04.01.2019
ENF/2018/0276	23.11.2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Application received to Discharge Conditions</li> </ul>	04.01.2019
ENF/2018/0481	23.11.2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 1 of planning permission DC/17/0078	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Steps taken to comply with Notice.</li> </ul>	21.12.2018