



## Planning Committee South

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

23 January 2024

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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 for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 13 December 2023. At present there are 16 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item 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.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *3 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 current cases*

- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *1 current case*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *0 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *1 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *4 current cases*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

## RECOMMENDATION

That the outstanding enforcement matters up to 13 December 2023 be noted.

### A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0290/USE
<b>Location / Address</b>	141 Kirton Road, Trimley St Martin
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	17.06.2021
<b><u>Nature of Breach:</u></b> Change of use of cartlodge to a shop.	
<b><u>Summary timeline of actions on case</u></b>	
19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
20/02/2023 – Extension of time agreed to 20/10/2023	
21/11/2023 -Site visited, partially complied, further visit to be undertaken.	
<b><u>Current Status/Position</u></b>	
Visit to be undertaken	
<b>Date by which Compliance expected (or prosecution date)</b>	20/10/2023

A.2

<b>LPA Enforcement Case Reference</b>	ENF/22/0133/USE
<b>Location / Address</b>	Patience Acre, Chenerys Loke, Weston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22.04.2022

<b><u>Nature of Breach:</u></b> Residential occupation of holiday let	
<b><u>Summary timeline of actions on case</u></b> <b>28/03/2023</b> –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given. <b>05/07/2023</b> - appeal against refusal of planning application refused.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	27/04/2024

A.3

<b>LPA Enforcement Case Reference</b>	ENF/2018/0476/USE
<b>Location / Address</b>	Part Os 1028 Highgate Lane Dallinghoo
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	15.11.2018
<b><u>Nature of Breach:</u></b> Siting of a converted vehicle for residential use	
<b><u>Summary timeline of actions on case</u></b> <b>11/09/2023</b> –Enforcement Notice served. Comes into effect on the 11/10/2023	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	11.04.2024

**B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal**

B.1

<b>LPA Enforcement Case Reference</b>	ENF/20/0131/LISTL
<b>Location / Address</b>	6 Upper Olland Street, Bungay
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	15.04.2020
<b>Nature of Breach:</b> Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<b>Summary timeline of actions on case</b> <b>17/03/2022</b> - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. <b>19/04/2022</b> - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 <b>07/06/2022</b> – Statement submitted <b>28/06/2022</b> – final comments due.	
<b>Current Status/Position</b> Awaiting Planning Inspectorate Appeal Decision	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependant upon date and outcome of Appeal Decision

B.2

<b>LPA Enforcement Case Reference</b>	ENF/21/0121/USE
<b>Location / Address</b>	The Pastures, The Street, North Cove
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.03.2021
<b>Nature of Breach:</b> Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
<b>Summary timeline of actions on case</b> <b>03/11/2022</b> – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance <b>14/11/2022</b> - Pre-start letter from Planning Inspectorate <b>14/12/2022</b> - Appeal started. Written Representations Process, statement due by 6 <sup>th</sup> February 2023. PINS Reference APP/X3540/C/22/3312353	
<b>Current Status/Position</b> Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

B.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0201/DEV
<b>Location / Address</b>	39 Foxglove End, Leiston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	26.04.2021
<b>Nature of Breach:</b> Artificial hedge, support structure and fencing which is over 2m in height	
<b>Summary timeline of actions on case</b> <b>28/11/2022</b> – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance <b>09/01/2023</b> - Pre-start letter from Planning Inspectorate	
<b>Current Status/Position</b> Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

#### B.4

<b>LPA Enforcement Case Reference</b>	ENF/22/0158/DEV
<b>Location / Address</b>	11 Wharton Street, Bungay
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.05.2022
<b>Nature of Breach:</b> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<b>Summary timeline of actions on case</b> <b>28/11/2022</b> – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance <b>09/01/2023</b> – Pre-start letter from Planning Inspectorate <b>31/01/2023</b> –Start letter received from Planning Inspectorate, statements required by 14 <sup>th</sup> March 2023.	
<b>Current Status/Position</b> Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

#### B.5

<b>LPA Enforcement Case Reference</b>	ENF/21/0006/DEV
<b>Location / Address</b>	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	06.01.2021

<b>Nature of Breach:</b> Erection of large fence	
<b>Summary timeline of actions on case</b> <b>08/08/2023</b> –Enforcement Notice served. Comes into effect on the 08/09/2023 <b>18/10/2023</b> - Appeal submitted, statements due 29 <sup>th</sup> November 2023.	
<b>Current Status/Position</b> Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

B.6

<b>LPA Enforcement Case Reference</b>	ENF/22/0247/USE
<b>Location / Address</b>	Part Land East Of Mariawood, Hulver Street, Henstead
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	15.11.2018
<b>Nature of Breach:</b> Siting of mobile home	
<b>Summary timeline of actions on case</b> <b>21/09/2023</b> –Enforcement Notice served. Comes into effect on the 21/10/2023 <b>23/10/2023</b> - Appeal submitted, awaiting start letter.	
<b>Current Status/Position</b> Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

**C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period**

C.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0411/COND
<b>Location / Address</b>	Paddock 2, The Street, Lound
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.09.2021
<b><u>Nature of Breach:</u></b> Change of use of land for residential use and stationing of mobile home	
<b><u>Summary timeline of actions on case</u></b> <b>16/06/2022</b> – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance <b>26/08/2022</b> – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 <b>07/10/2022</b> – Appeal statement submitted. <b>28/10/2022</b> – any final comments on appeal due. <b>11/09/2023</b> - Appeal dismissed. 4 months for compliance.	
<b><u>Current Status/Position</u></b> In compliance period following appeal.	
<b>Date by which Compliance expected (or prosecution date)</b>	12/01/2024

**D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.**



**E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action**

E.1

<b>LPA Enforcement Case Reference</b>	ENF/20/0404/USE
<b>Location / Address</b>	200 Bridge Road, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	24.09.2020
<b><u>Nature of Breach:</u></b> Change of use of land for the storage of building materials	
<b><u>Summary timeline of actions on case</u></b> <b>19/01/2023</b> –Enforcement Notice served. Comes into effect on the 20/02/2023 <b>26/06/2023</b> –Site visited, notice not complied with, case will be passed to the legal team for further action. <b>23/10/2023</b> - Court found defendant guilty and fined a total of £4400. <b>11/11/2023</b> - Further compliance date set for 11 <sup>th</sup> January 2024.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	11 <sup>th</sup> January 2024.

**F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.**

F.1

<b>LPA Enforcement Case Reference</b>	EN08/0264 & ENF/2013/0191
<b>Location / Address</b>	Pine Lodge Caravan Park, Hazels Lane, Hinton
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.10.2008
<b>Nature of Breach:</b>	
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.	
<p><b>15/10/2010</b> – Enforcement Notice served</p> <p><b>08/02/2010</b> - Appeal received</p> <p><b>10/11/2010</b> - Appeal dismissed</p> <p><b>25/06/2013</b> - Three Planning applications received</p> <p><b>06/11/2013</b> – The three applications refused at Planning Committee.</p> <p><b>13/12/2013</b> - Appeal Lodged</p> <p><b>21/03/2014</b> – Enforcement Notices served and became effective on 24/04/2014</p> <p><b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing</p> <p><b>31/01/2015</b> – New planning appeal received for refusal of Application DC/13/3708</p> <p><b>03/02/2015</b> – 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.</p> <p><b>10/11/2015</b> – Informal hearing held</p> <p><b>01/03/2016</b> – Planning Appeal dismissed</p> <p><b>04/08/2016</b> – Site re-visited three of four Notices have not been complied with.</p> <p><b>21/04/2017</b> - Trial date. 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 16/06/2017.</p> <p><b>19/06/2017</b> – Site re-visited, no compliance with the Enforcement Notice.</p> <p><b>14/11/2017</b> – Full Injunction granted for the removal of the mobile home and steps.</p> <p><b>21/11/2017</b> – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <p><b>27/06/2018</b> – Compliance visit conducted to check on whether the 2010.</p> <p><b>06/07/2018</b> – Legal advice sought.</p> <p><b>10/09/2018</b> – Site revisited to check for compliance with Notices.</p> <p><b>11/09/2018</b> – Case referred back to Legal Department for further action to be considered.</p>	

<p><b>11/10/2018</b> – 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).</p> <p><b>01/11/2018</b> – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p><b>13/12/2018</b> – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p><b>04/02/2019</b> – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p><b>26/02/2019</b> – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p><b>27/03/2019</b> - High Court hearing, the case was adjourned until the 03/04/2019</p> <p><b>03/04/2019</b> - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p><b>11/04/2019</b> – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p><b>07/05/2019</b> – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p><b>05/09/2019</b> – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p><b>28/11/2019</b> - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><b><u>Current Status/Position</u></b>  Site visited. Case currently with the Council’s Legal Team for assessment.  Charging orders have been placed on the land to recover costs.</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Dependent upon potential Legal Process</p>

F.2

<b>LPA Enforcement Case Reference</b>	ENF/2017/0170/USE
<b>Location / Address</b>	Land Adj to Oak Spring, The Street, Darsham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	11.05.2017
<p><b><u>Nature of Breach:</u></b>  Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>16/11/2017</b> – Authorisation given to serve Enforcement Notice.  <b>22/02/2018</b> – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted.</p>	

<p><b>17/10/2019</b> – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p><b>13/11/2019</b> – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p><b>16/06/2020</b> – Submission of Appeal Statement</p> <p><b>11/08/2020</b> - Appeal dismissed with some amendments.</p> <p><b>11/12/2020</b> - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p><b>25/03/2021</b> - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p><b>2022</b> - Application for an Injunction has been made to the High Court.</p> <p><b>06/10/2022</b> - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p><b>08/03/2023</b> - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p><b>30/03/2023</b> - appeal submitted to High Court against Injunction – awaiting decision from Court.</p> <p><b>10/07/2023</b> -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24<sup>th</sup> July.</p> <p><b>25/07/2023</b>-Site Visit conducted; injunction not complied with. Information sent to legal team.</p>	
<p><b><u>Current Status/Position</u></b> With Legal Team</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>24<sup>th</sup> July 2023</p>

F.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0051/USE
<b>Location / Address</b>	Land West Of Guildhall Lane, Wrentham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	10.02.2021
<p><b><u>Nature of Breach:</u></b> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)</p>	
<p><b><u>Summary timeline of actions on case</u></b> <b>10/03/2022</b> - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</p>	

<p><b>25/08/2022</b> - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.</p> <p><b>19/12/2022</b> – Court date set following non compliance at Ipswich magistrates for 30<sup>th</sup> January 2023.</p> <p><b>30/01/2023</b>- Court over listed and therefore case relisted for 27<sup>th</sup> March 2023</p> <p><b>27/03/2023</b>- Defendant did not attend, warrant issued, awaiting decision from court.</p> <p><b>31/07/2023</b>- Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.</p>	
<p><b><u>Current Status/Position</u></b> Considering legal options following court appearance</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Depending on legal advice</p>

F.4

<p><b>LPA Enforcement Case Reference</b></p>	<p>ENF/21/0441/SEC215</p>
<p><b>Location / Address</b></p>	<p>28 Brick Kiln Avenue, Beccles</p>
<p><b>North or South Area</b></p>	<p>North</p>
<p><b>Date of Report of Breach</b></p>	<p>29.09.2021</p>
<p><b><u>Nature of Breach:</u></b> Untidy site</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <p><b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p><b>17/06/2022</b> - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p> <p><b>21/11/2022</b>– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24<sup>th</sup> February 2023 to comply with notice.</p> <p><b>10/03/2023</b>- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p> <p><b>23/10/2023</b>- Courts decided to adjourn the case for 3 months, to allow further time for compliance. Therefore, a further court date set for 15<sup>th</sup> January 2024.</p> </p>	
<p><b><u>Current Status/Position</u></b> In court compliance period</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>15<sup>th</sup> January 2024</p>

**G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue**

G.1

<b>LPA Enforcement Case Reference</b>	ENF/2015/0279/DEV
<b>Location / Address</b>	Land at Dam Lane Kessingland
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22/09/2015
<p><b><u>Nature of Breach:</u></b> 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.</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>22/09/2015</b> - Initial complaint logged by parish.  <b>08/12/2016</b> - Case was reopened following further information  <b>01/03/2017</b> - Retrospective app received.            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.  <b>05/09/2018</b> - Notice served by recorded delivery.  <b>18/06/2019</b> - Appeal started. PINS Reference APP/T3535/C/18/3211982  <b>24/07/2019</b> – Appeal Statement Submitted  <b>05/02/2020</b> - Appeal dismissed. Compliance with both Notices by 05/08/2020  <b>03/03/2021</b> - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal.  <b>30/04/2021</b> - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.  <b>04/05/2021</b> - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.  <b>05/07/2021</b> – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs  <b>12/07/2021</b> – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed  <b>13/08/2021</b> - Site visited and all structures had removed from the site, but lake remains</p>	
<p><b><u>Current Status/Position</u></b> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.</p>	

<b>Date by which Compliance expected (or prosecution date)</b>	31/12/2023
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