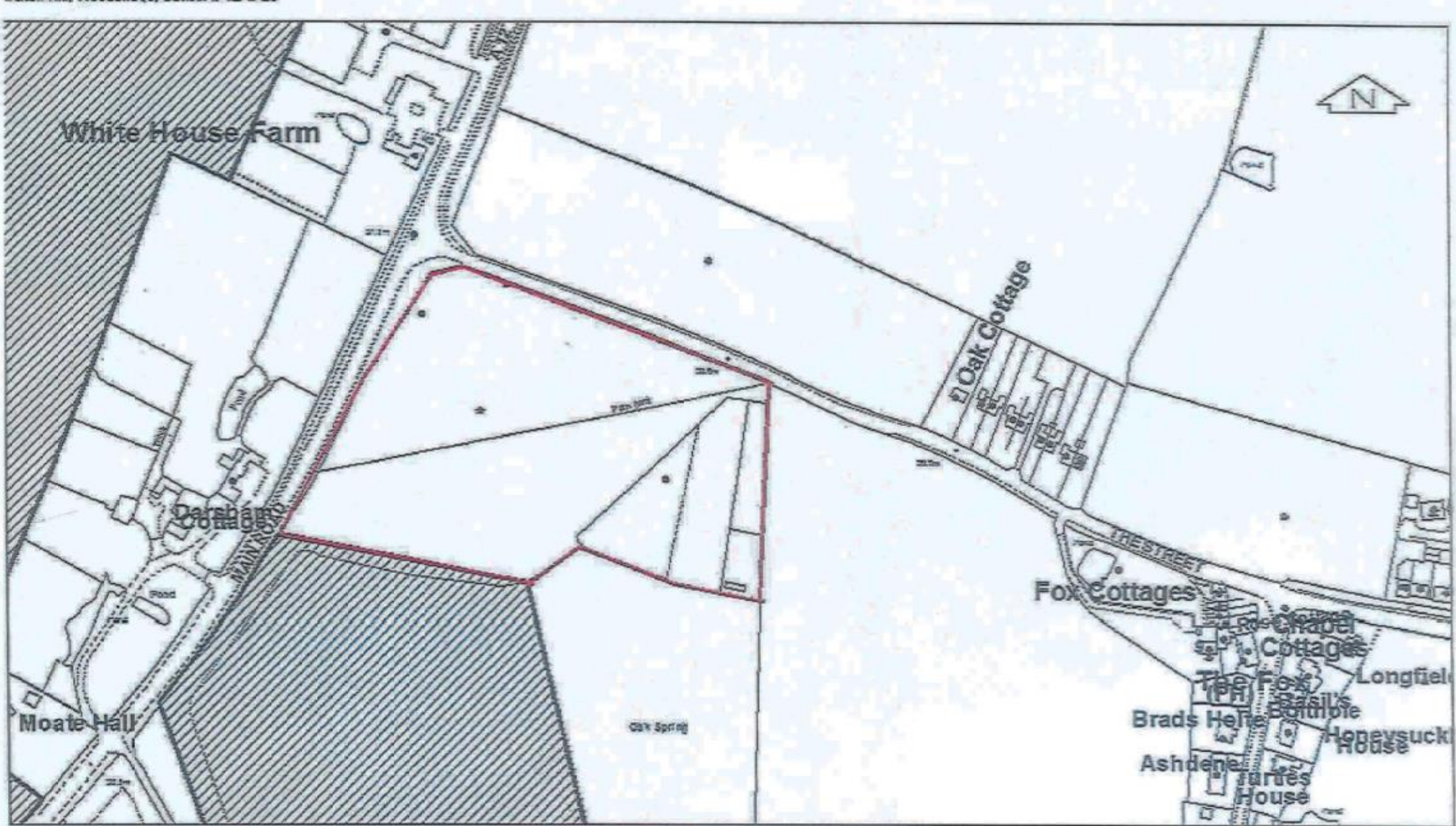


Case Study

Land Adjacent to Oak Spring, Darsham



Site Location

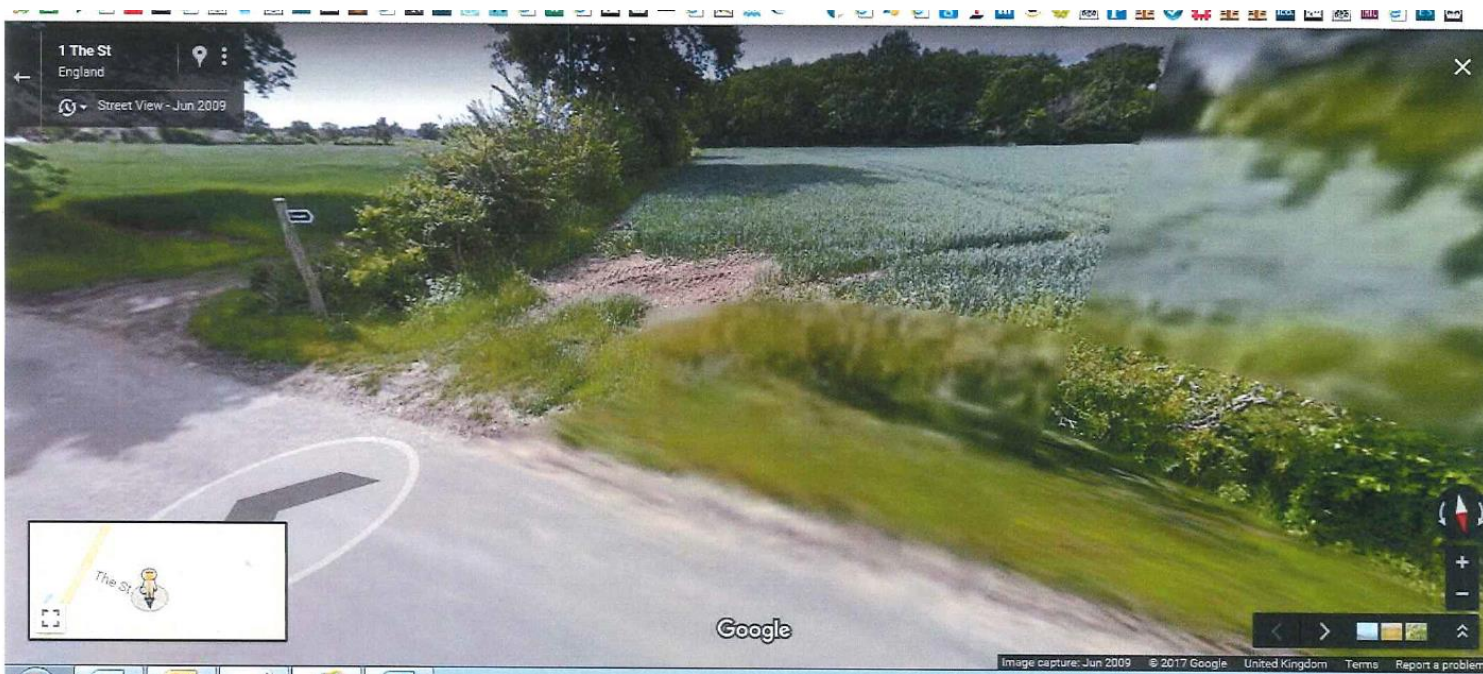


(C) Crown copyright. All rights reserved.
South Coast District Council
14/00019594

Title:

What were the actual breaches of Planning Control

- a. without planning permission the erection of **two wooden sheds, a pergola, a wooden field shelter and hardstanding, and electrical intake housing built of brick**, with a felted roof and an access door; and
- b. the unauthorised 'material' **change of use of land** from 'mixed use of' agriculture 'and' **residential use, the stationing of a mobile home for residential use, with attached wooden cladding and roof, a modular building, and the storage of non-agricultural items.**



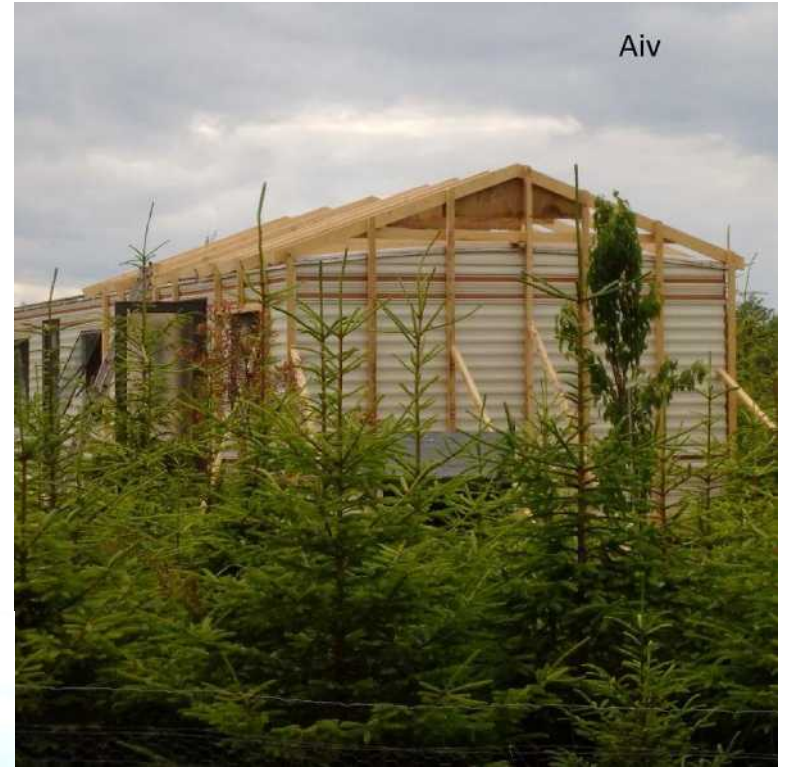
Google Streetview
2009



Google Streetview
2010

Google Streetview 2022





Avii



Aviiii




Ax

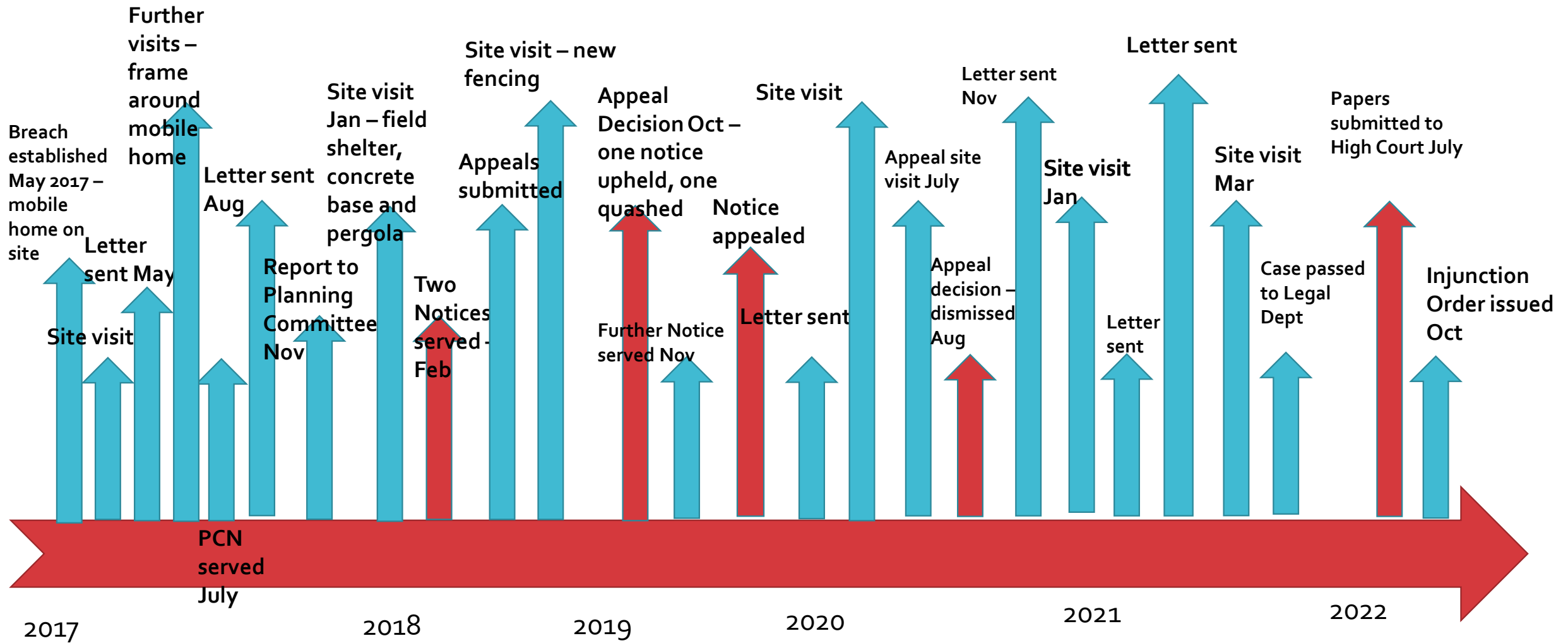






The need for expediency

- The Council has been investigating this matter since 2017. The Council has acted expediently to take enforcement action in this case. The time for complying with the Second Enforcement Notice expired on 11 December 2020.
 - Issue had been ongoing for four years and, despite the Council's reasonable efforts, was not been resolved.
 - If allowed to persist it is likely to undermine public confidence in the planning system and the Councils ability to secure compliance with its enforcement orders in a timely manner.
- 
- A teal-colored decorative shape, resembling a stylized wave or a large arrow pointing upwards and to the right, is located in the bottom right corner of the slide.



Time Line

Actions open to the Council

The Council had a number of options open to it in relation to how it can proceed with non compliance of the enforcement notices served.

- a. It could take no further action;
- b. It could seek to prosecute Mr & Mrs Thackeray for non compliance in a Magistrates Court under section 179 of the Town and Country Planning Act 1990;
- c. **It could seek Injunctive action under S187 of the Town and Country Planning Act 1990;**
- d. it could seek to take direct action under section 178 of the Town and Country Planning Act 1990

Conclusions


- The view was reached that an Injunction was deemed to be the most expedient and proportionate course of action to ensure full compliance and maintain the public expectation that enforcement action is taken in cases of non compliance and is both necessary and expedient.
- An Injunction was sought from the High Court on Thursday 6th October 2022 and was granted. A costs application of £8000 was also awarded to the Council



The public interest

If the Council were not to enforce compliance with the Enforcement Notices it would allow an unauthorised unit of living accommodation to exist where no residential unit would be allowed due to it being contrary to local and national planning policy.

Paragraph 59 of the NPPF states that *“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”*



The principles of good enforcement

The Council is responsible for providing a planning enforcement service for the East Suffolk district.

The Council's Local Enforcement Plan states:-

“The decision to enforce in each case is at our discretion; there is no legal requirement for us to provide a planning enforcement service at all. However, we take planning enforcement very seriously. The power to correct breaches of planning control allows us to protect the quality of life for the people who live, work and visit East Suffolk and the quality of the district's built and natural environment.

Taking appropriate action in this issue matters because the Council must be seen to provide a service that is fair and appropriate and be seen to act expeditiously when dealing with criminal offences relating to non-compliance with enforcement notices.

