

## PLANNING COMMITTEE SOUTH

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

18 October 2022

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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 26 September 2022. At present there are 15 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 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.

## RECOMMENDATION

That the outstanding enforcement matters up to 26 September 2022 be noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	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> <li>• 10/11/2015 – Informal hearing held</li> </ul>	30/10/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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> <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</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <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>• 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-</li> </ul>	

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					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – 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.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> <li>• 28/11/2019 - 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</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Charging orders have been placed on the land to recover costs.</li> </ul>	
EN/09/0305	18/07/2013	South	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> <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> </ul>	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> <li>• 13/04/2021 – Letter sent to owner to establish current situation</li> <li>• Given until the end of June to either comply or supply the Council with any other information</li> <li>• Case being reviewed.</li> <li>• 22/05/2021 – contact received from site owner. Case reviewed</li> <li>• Due to the receipt of confidential information formal action has been placed on hold.</li> <li>• 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at</li> </ul>	



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2016/0292	11/08/2016	South	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/2017/0170	21/07/2017	North	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>	31/10/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• 17/10/2019 – 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.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</li> <li>• Site visit to be undertaken after 11/12/20</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action.</li> <li>Further visit to be done on 25/03/2021.</li> <li>Site visit completed, Notices not complied with, file passed to Legal services for further action.</li> <li><b>Application for an Injunction has been made to the High Court. Hearing scheduled for the 06/10/2022</b></li> </ul>	
ENF/2015/0279/DEV	05/09/2018	North	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</li> </ul>	31/12/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice served by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• 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.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</li> <li>• 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.</li> <li>• Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.</li> <li>• 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs</li> <li>• 12/07/2021 – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed</li> <li>• Site visited on 13/08/21 all structures removed from the site.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543/DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• Hearing adjourned until 09/03/2021</li> <li>• Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</li> <li>• Awaiting Decision</li> <li>• Appeal dismissed and partial costs to the Council</li> </ul>	30/10/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Compliance with Notice by 18/08/2021</li> <li>• Extension of time granted for compliance until 31/10/21.</li> <li>• Further extension granted until 15/11/2021.</li> <li>• Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered.</li> <li>• Certificate of Lawful Use (Proposed) application submitted.</li> <li>• Certificate of Lawful Use (proposed) refused.</li> <li>• Appeal submitted in relation to LDC refusal. Statements by 08/07/2022</li> </ul>	
ENF/2019/0307/CON D	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> <li>• 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail</li> </ul>	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>sales from the site and to submit a scheme of landscaping within 3 months.</p> <ul style="list-style-type: none"> <li>• Appeal submitted. Waiting for start date from the Planning Inspectorate.</li> <li>• Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	
ENF/21/0441/SEC215	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> <li>• S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022- compliance due by 11/06/2022</li> <li>• Site visit undertaken on 17<sup>th</sup> June 2022 to check compliance. Site remains untidy. Internal discussion to be held regarding further action.</li> <li>• File passed to Legal Department for further action.</li> </ul>	11/11/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and	<ul style="list-style-type: none"> <li>• 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</li> </ul>	30/11/2022



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				caravans and residential use /erection of structures and laying of hardstanding)	<ul style="list-style-type: none"> <li>Site visit to check for compliance with Notices due on 25/08/2022.</li> <li><b>Site visit completed; file has been passed to the Legal Dept for further action.</b></li> </ul>	
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> <li>17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance.</li> <li>Appeal submitted. Waiting for start date from the Planning Inspectorate.</li> <li>Appeal started. Statements due by 07/06/2022</li> <li>Awaiting Planning Inspectorate Decision</li> </ul>	18/08/2022
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> <li>07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance.</li> <li>Appeal submitted. Awaiting start date.</li> <li>Appeal started. Statements by 30/06/2022</li> <li>Awaiting Planning Inspectorate Decision</li> </ul>	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/21/0027/USE	16/06/2022	North	18 The Esplanade, Lowestoft	Mobile homes for residential use	<ul style="list-style-type: none"> <li>16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance</li> </ul>	18/11/2022
ENF/21/0359/CONL	16/06/2022	North	40 Victoria Street, Southwold	Insertion of a rooflight on principal elevation	<ul style="list-style-type: none"> <li>16/06/2022 – Enforcement Notice served. Take effect on 25/07/2022. 3 months for compliance</li> <li><b>Skylight has been removed. Enforcement notice has been complied with. Case will be closed.</b></li> </ul>	25/10/2022
ENF/21/0411/COND	16/06/2022	North	Paddock 2, The Street, Lound	Change of use of land for residential use and stationing of mobile home	<ul style="list-style-type: none"> <li>16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance</li> <li><b>Appeal received. Statement due by 07/10/2022</b></li> </ul>	18/11/2022
ENF/21/0074/SIGN	25/08/2022	South	297 High Street, Walton	Partial change of use of shop to residential accommodation	<ul style="list-style-type: none"> <li>25/08/2022 – Enforcement Notice served. Comes into effect on the 26/09/2022.</li> <li>3 months for compliance</li> </ul>	26/12/2022