

PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

25 February 2020

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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 27 January 2020. At present there are 18 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 report concerning Outstanding Enforcement matters up to 27 January 2020 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. • Meeting with Legal 25th November 2019 advised that due to the time passed the Council will not take action on the notice, however the Notice will remain in place. 	Following Legal advice, the notice remains in force though due to the time that has passed a decision has been made not to take any action in respect of the notice.

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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"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 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 • 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 extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	31/01/2020

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"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • 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. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 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. 	

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					<ul style="list-style-type: none"> Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice being sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 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). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

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					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 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- 	

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

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EN/09/0305	18/07/2013	South	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. • 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 • 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. 	April 2021

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"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement 	29/02/2020

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					<p>Notice. Case to be referred to Legal Department for further action.</p> <ul style="list-style-type: none"> • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>days for the site to be cleared before the Notice is served.</p> <ul style="list-style-type: none"> • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. • Start date has now been received, Statements are due by 12/12/2019. • Awaiting Planning Inspectorate Decision 	
ENF/2016/0292	11/08/2016	South	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 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	North	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 	31/01/2020

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					<ul style="list-style-type: none"> Start date has been received. Public Inquiry to be held on 08/11/2017 Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). Site visit to be conducted once compliance period has finished. 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. Site visit due on 07/01/2019. 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. 26/02/2019 – Update to be given at Committee. Awaiting update from Legal. 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply 	

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					<p>with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> • 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action. • Court date arranged for 28/11/2019 • 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. 	
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"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. 	17/02/2020 13/04/2020

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					<ul style="list-style-type: none"> Waiting for decision from Planning Inspectorate. 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. 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 	
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"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. 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 	29/02/2019

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					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision 	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> • Breach of Condition Notice served • Application received to Discharge Conditions • Application pending decision 	30/03/2020

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ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> Listed Building Enforcement Notice served on 17/05/2019. Notice takes effect on 20/06/2019. Three months for compliance Appeal has been submitted, awaiting a start date. Start date now received by the Council, Statements due by 12/12/2019 Awaiting Planning Inspectorate Decision 	29/02/2020
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"> Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 Stop Notice Served 25/05/2019 comes into effect 28/05/2019. Appeal has been submitted. Awaiting Start date. 	29/02/2020

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ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> Breach of Condition Notice served 01/08/2019. DC/19/4557/VOC Planning application submitted 21/11/2019 Application refused 15/01/2020 	01/02/2020
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> Enforcement Notice served 16/08/2019. Appeal submitted, awaiting start letter. 	29/02/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> Notice served 26/11/2019 	27/03/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	<ul style="list-style-type: none"> Enforcement Notice served 05/12/2019 Enforcement Appeal submitted, awaiting Start Letter from PINS 	10/05/2020
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> Enforcement Notice served 10/12/2019 	17/03/2020

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ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> 17/01/2020 – Enforcement Notice served. 	19/05/2020