



## PLANNING COMMITTEE NORTH

**Title of Report:**

East Suffolk Enforcement Action– Case Update

**Meeting Date**

8th November 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 24<sup>th</sup> October 2022. At present there are 14 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. *5 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*

D. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action. *2 current cases*

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

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. *1 current case*

G. 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. *1 current case*

H. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *2 current cases*

## RECOMMENDATION

That the outstanding enforcement matters up to 24th October 2022 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/2016/0292
<b>Location / Address</b>	Houseboat Friendship, New Quay Lane, Melton
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Change of use of land	
<b><u>Summary timeline of actions on case</u></b> <b>11/08/2016</b> – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. <b>20/10/2016</b> - Enforcement Notice served Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	24/11/2024

## A.2

<b>LPA Enforcement Case Reference</b>	ENF/21/0027/USE
<b>Location / Address</b>	18 The Esplanade, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Mobile homes for residential use	
<b><u>Summary timeline of actions on case</u></b> <b>16/06/2022</b> – Enforcement Notice served. <b>18/07/2022</b> – Enforcement Notice came into effect. 4 months for compliance	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	18/11/2022

## A.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0074/SIGN
<b>Location / Address</b>	297 High Street, Walton
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Partial change of use of shop to residential accommodation	
<b><u>Summary timeline of actions on case</u></b> <b>25/08/2022</b> – Enforcement Notice served. Comes into effect on the 26/09/2022. 3 months for compliance	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	26/12/2022

**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/2018/0543/DEV
<b>Location / Address</b>	Land at North Denes Caravan Park, The Ravine, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> 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.	
<b><u>Summary timeline of actions on case</u></b> <b>02/05/2019</b> - Temporary Stop Notice Served and ceased 30/05/2019 <b>24/05/2019</b> - Enforcement Notice served, came into effect on 28/06/2019 <b>25/05/2019</b> - Stop Notice Served comes into effect 28/05/2019. <b>08/06/2020</b> – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 <b>02/02/2021</b> – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. <b>18/05/2021</b> - Appeal dismissed and partial costs to the Council <b>18/08/2021</b> - Compliance with Notice required <b>31/10/2021</b> - Extension of time granted for compliance until 31/10/21. <b>15/11/2021</b> - Further extension of time granted for compliance until 15/11/2021. <b>18/11/2021</b> - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. <b>20/12/2021</b> - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) <b>12/04/2022</b> - Certificate of Lawful Use (proposed) refused. <b>25/05/2022</b> - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 <b>08/07/2022</b> – Appeal statement submitted <b>29/07/2022</b> – Final date for comments on statements	
<b><u>Current Status/Position</u></b> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.2

<b>LPA Enforcement Case Reference</b>	ENF/2019/0307/COND
<b>Location / Address</b>	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
<b><u>Summary timeline of actions on case</u></b> <b>21/10/2021</b> – 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 sales from the site and to submit a scheme of landscaping within 3 months. <b>07/12/2021</b> - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 <b>21/01/2022</b> - Statements submitted to Planning Inspectorate by 21/01/2022. <b>01/02/2022</b> – final comments date for comments on Appeal	
<b><u>Current Status/Position</u></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/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>	
<b><u>Nature of Breach:</u></b> Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<b><u>Summary timeline of actions on case</u></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><u>Current Status/Position</u></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.4

<b>LPA Enforcement Case Reference</b>	ENF/21/0003/DEV
<b>Location / Address</b>	26 Highland Drive, Worlingham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> High fence adjacent to highway.	
<b><u>Summary timeline of actions on case</u></b> <b>07/04/2022</b> - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. <b>25/05/2022</b> - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 <b>23/06/2022</b> – Statements submitted <b>21/07/2022</b> – target date for comments on statement of case.	
<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision	
<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/21/0411/COND
<b>Location / Address</b>	Paddock 2, The Street, Lound
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<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><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision	
<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**

There are currently no cases at this stage.

**D. Cases on which a formal enforcement notice has been served, no appeal was made, and has been passed to Legal Department for further action and/or is currently the subject of court action**

D.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0441/SEC215
<b>Location / Address</b>	28 Brick Kiln Avenue, Beccles
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Untidy site	
<b><u>Summary timeline of actions on case</u></b> <b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 <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. <b>21/11/2022</b> – scheduled court date.	
<b><u>Current Status/Position</u></b>	
Court Date set for 21 <sup>st</sup> November 2022.	
<b>Date by which Compliance expected (or prosecution date)</b>	Court Process dependant)

D.2

<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>	
<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)	
<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. <b>25/08/2022</b> - Site visit to check for compliance with Notices. ile has been passed to the Legal Dept for further action.	
<b><u>Current Status/Position</u></b>	
Site visit completed; file has been passed to the Legal Dept for further action.	
<b>Date by which Compliance expected (or prosecution date)</b>	legal process dependant.



**E. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action**

There are currently no cases at this stage.

**F. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action**

F.1

<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>	
<b><u>Nature of Breach:</u></b> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<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. <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. <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 <b>16/06/2020</b> – Submission of Appeal Statement <b>11/08/2020</b> - Appeal dismissed with some amendments. <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. <b>25/03/2021</b> – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. <b>2022</b> - Application for an Injunction has been made to the High Court. <b>06/10/2022</b> - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<b><u>Current Status/Position</u></b> In compliance period of High Court Injunction	
<b>Date by which Compliance expected (or prosecution date)</b>	06/03/2023

**G. 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.**

G.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>	
<p><b><u>Nature of Breach:</u></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>	
<p> <b>15/10/2010</b> – Enforcement Notice served  <b>08/02/2010</b> - Appeal received  <b>10/11/2010</b> - Appeal dismissed  <b>25/06/2013</b> - Three Planning applications received  <b>06/11/2013</b> – The three applications refused at Planning Committee.  <b>13/12/2013</b> - Appeal Lodged  <b>21/03/2014</b> – Enforcement Notices served and became effective on 24/04/2014  <b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing  <b>31/01/2015</b> – New planning appeal received for refusal of Application DC/13/3708  <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.  <b>10/11/2015</b> – Informal hearing held  <b>01/03/2016</b> – Planning Appeal dismissed  <b>04/08/2016</b> – Site re-visited three of four Notices have not been complied with.  <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.  <b>19/06/2017</b> – Site re-visited, no compliance with the Enforcement Notice.  <b>14/11/2017</b> – Full Injunction granted for the removal of the mobile home and steps.  <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.  <b>27/06/2018</b> – Compliance visit conducted to check on whether the 2010.  <b>06/07/2018</b> – Legal advice sought.  <b>10/09/2018</b> – Site revisited to check for compliance with Notices.  <b>11/09/2018</b> – Case referred back to Legal Department for further action to be considered.  <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></p> <p>Site visited. Case currently with the Council's Legal Team for assessment.</p> <p>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>

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

H.1

<b>LPA Enforcement Case Reference</b>	EN/09/0305
<b>Location / Address</b>	Park Farm, Chapel Road, Bucklesham
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Storage of caravans	
<b><u>Summary timeline of actions on case</u></b> <b>13/09/2013</b> - Enforcement Notice served. <b>11/03/2014</b> – Appeal determined – EN upheld Compliance period extended to 4 months <b>11/07/2014</b> – Final compliance date <b>05/09/2014</b> – Planning application for change of use received (Reference DC/14/2901/FUL) <b>21/07/2015</b> – Application reported to Planning Committee for determination. Application was subsequently withdrawn. <b>14/09/2015</b> – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 <b>11/02/2016</b> – Site visited, caravans still in situ. Legal advice sought as to further action. <b>09/08/2016</b> – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. Further enforcement action to be put on hold and site to be monitored  <u>Review in January 2019</u> <b>29/01/2019</b> – Legal advice sought; letter sent to site owner. <b>18/02/2019</b> – contact received from site owner. <b>04/04/2019</b> – Further enforcement action to be placed on hold and monitored.  <u>Review in April 2021.</u> <b>13/04/2021</b> – Letter sent to owner to establish current situation. Given until the end of June to either comply or supply the Council with any other information. Case being reviewed. <b>22/05/2021</b> – contact received from site owner. Case reviewed. Due to the receipt of confidential information formal action has been placed on hold. <b>06/07/2021</b> – Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
<b><u>Current Status/Position</u></b> On Hold. Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
<b>Date by which Compliance expected (or prosecution date)</b>	July 2023

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