

ENFORCEMENT ACTION

Case Nos: 06/00167/ENURES
07/00146/ENBOC

Description: UNAUTHORISED OCCUPATION OF LODGES/
HOUSEBOATS, NARROWBOATS/BOATS/FLATS AS A
SOLE OR MAIN RESIDENCE

Location(s): HARTFORD MARINA, BANKS END, WYTON, HUNTINGDON
LAND AT HARTFORD MARINA, BANKS END, WYTON,
HUNTINGDON

Owner(s): MR B PERRY

Grid Ref: 526625 272514

1. PURPOSE OF REPORT

- 1.1 This report is to update Members on the actions taken relating to enforcement issues at the Hartford Marina complex following the previous report to the Development Control Panel on 25 February 2008, and to ask Members to further endorse the proposed approach to confirm and address breaches of planning control relating to unauthorised residential occupation.

2. DESCRIPTION OF SITE AND ITS USE

- 2.1 The site is as described in the previous report which is attached for information.

3. PLANNING HISTORY

- 3.1 The planning history was set out in Paragraph 3 of the previous report. Applications received since February 2008 are as follows:

08/02159/CLED

Application for a Certificate of Lawful Use received on 14.7.08 and refused on 5.11.08 for the unrestricted use of boats moored at Hartford Marina

08/002307/FUL

Application for planning permission for use of land for 26 floating lodges for holiday use with associated pontoons, moorings and services received on 30.7.08 but returned incomplete on 23.10.08

08/03389/FUL

Application for planning permission for retention of use of land for 26 floating lodges for holiday use with associated pontoons, moorings and services received on 2.12.08 and under consideration

- 3.2 The relevant planning application relating to the north-east corner was set out in the previous report. One additional application was received during 2008 as follows:

08/01418/S73

Application to remove Condition 8 of planning permission 03/02830 to allow permanent residential occupation was received on 16.5.08 and refused on 28.7.08

4. BREACHES OF PLANNING CONTROL

- 4.1 The five potential breaches of planning control were described in the previous report.

5. SUMMARY OF ACTIONS TAKEN SINCE FEBRUARY 2008

- 5.1 Following the Panel's endorsement of the actions proposed in the previous report, individual files were raised where possible and letters were sent to Mr Perry (owner of the Marina), Maxine Lester (letting agent for the flats) and Mr Francis (owner of the flats) setting out the Council's opinion regarding breaches of planning control, and advising of their liability in case of formal action.
- 5.2 Letters were sent to individual lodge, boat, houseboat, and flat occupiers who had responded to the Planning Contravention Notices issued in November 2007 stating as appropriate the Council's opinion regarding whether or not there was a breach of planning control. Where a breach had been identified, the letter asked for proposals to address it and provided an opportunity for the person to meet the Planning Enforcement Team Leader to discuss the options and likely actions. Very few people accepted this offer of a meeting.
- 5.3 A Planning Contravention Notice was issued to Mr Perry on 11 April 2008 requiring a response by mid May. The information was finally provided by 20 June 2008 following several agreed extensions of time.
- 5.4 The Hartford Marina Community Association was formed in May 2008 to represent affected Marina occupiers. They contacted Cllr Bates and Jonathan Djanogly MP and requested a meeting with representatives of Huntingdonshire District Council. A meeting took place on 11 June 2008 attended by Mr and Mrs Perry and Simon Perry, their agent Mr Corcoran, Ms Weaver from HMCA, HDC Officers and Cllr Bates. At this meeting Mr Corcoran expressed his intention of submitting applications by 9 July 2008. It was agreed that Enforcement Notices would not be issued pending receipt of the applications and whilst they were under consideration. The offer for individuals to meet the Planning Enforcement Team Leader was reiterated.
- 5.5 A further meeting was held on 16 June 2008 between several members of HMCA and Officers from HDC. The Council's position was restated including the agreement not to take any further enforcement action pending the decision on any applications. HMCA agreed to supply details of its members who wished to be presented by HMCA. They subsequently advised that they were seeking legal advice before doing this and no details have been received.

- 5.6 An application to remove the restrictive occupancy condition on one of the flats was submitted on 16 May 2008 and refused on 28 July 2008.
- 5.7 A Certificate of Lawful Use was received on 14 July 2008, followed by an application for planning permission on 30 July 2008. Counsel's advice was obtained and the Certificate was subsequently refused on 5 November 2008 because the application had failed to demonstrate that unrestricted residential use is lawful under planning permission reference J30.64. It is believed that a further application for a Certificate is to be submitted for consideration. The application for planning permission to retain 26 floating lodges was invalid and was eventually returned incomplete on 23 October 2008. A new application was submitted on 2 December 2008 and is under consideration.
- 5.8 In planning terms there has been no change to the lawful position despite the submission of various applications. Whilst rights of appeal may yet be exercised, it is considered that a generous period of time has been allowed for the planning position to be tested and those in breach to consider alternative accommodation and it is now appropriate for formal action to be commenced.

6. RECOMMENDATION

- 6.1 It is recommended that Members endorse the prioritised approach proposed below to further confirm and address breaches of planning control relating to the unauthorised occupation of various lodges / houseboats / narrowboats / boats / flats as a sole or main residence.
- 6.2 Action to be commenced now in respect of all with an occupancy condition (lodges, original pontoon of floating houseboats, and flats) which is being breached. This action will be by way of a Breach of Condition Notice. Legal advice has been sought regarding the flats as tenancies change on a regular basis. It may be necessary to serve new Planning Contravention Notices in several instances.
- 6.3 Await the decision on the current application for the retention of the 26 floating houseboats (those on the two new pontoons to the eastern side of the Marina and one on the original pontoon) and then proceed as appropriate in respect of these houseboats.
- 6.4 Allow until the end of February 2009 for the new application for a Certificate of Lawfulness for a mixed residential/mooring use. If the application is submitted as expected, await the outcome and then proceed as appropriate. If no application is submitted, formal action to be commenced by way of Enforcement Notices.

BACKGROUND PAPERS

Report to the Development Control Panel on 25 February 2008
Enforcement files reference 06/00167/ENURES and 07/00146/ENBOC

CONTACT OFFICER: - Enquiries about this report to Sandy Kinnersley –
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