



Case Reference Number: 19/00247/NIA

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Borough Council of King's Lynn & West Norfolk

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991) ('the Act')**

ENFORCEMENT NOTICE

ISSUED BY: Borough Council of King's Lynn & West Norfolk ('the Council')

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The annex at the end of the Notice and enclosure to which it refers contain important additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land known as Robins Nest, Baldwins Drove Outwell Norfolk, ("the Land") as shown shaded on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the material change of use of the Land from agricultural use to a mixed use of agricultural land and use for residential purposes.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the past ten years.

The site lies outside the development boundary of Outwell and within the countryside. No justification has been provided to relax countryside protection policies. The countryside is to be recognised and protected for its intrinsic beauty and character as set out in Para 170(b) of the NPPF, policy CS06 of the Local Development Framework Core Strategy (adopted 2011) and policy DM2 of the Site Allocations and Development Management Policies Plan (adopted 2016). The development is contrary to these policies.

The location of this site is also contrary to the provisions of the NPPF 2019 as it is not considered to represent sustainable development given its remote location away from services and facilities.

The Land lies within Flood Zone 3 and is therefore at a high risk of flooding. The development is considered to be more vulnerable within the Governments flood risk vulnerability classification. Tables 1 and 3 of the Governments Planning Practice Guidance makes it clear that for more vulnerable development such as dwelling houses, before they can be approved, an exception test is required within Flood Zone 3. With regards the exception test, it is not considered that there are wider sustainability benefits outweighing flood risk. No evidence (through a flood risk assessment) has been provided to demonstrate that the development will be safe, and in any case it is highly unlikely that single-storey dwellings with ground floor habitable accommodation will be acceptable in this location.

There is no justification to set aside the in-principle objection on flood risk grounds to this development which is contrary to Core Strategy policy CS08 and the National Planning Policy Framework (NPPF).

5. WHAT YOU ARE REQUIRED TO DO

Permanently cease the use of the Land for residential purposes.

6. TIME FOR COMPLIANCE

Two calendar months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **8 NOVEMBER 2021**
unless an appeal is made against it beforehand.

Date of Issue: 27 SEPTEMBER 2021

Signed:



Mr S Ashworth
Assistant Director
Authorised Signatory

On behalf of Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX.

A copy of this notice has been served upon the following persons:

James Vickers of Robins Nest, Baldwins Drove, Outwell, Norfolk, PE14 8SB

In the event of an appeal against the issue of this Enforcement Notice on Ground (a) that planning permission ought to be granted, the fee payable to the Local Planning Authority is £924

ANNEX

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk.

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 7 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution, injunctive action in the High Court or County Court and/or remedial action by the Council.



ENFORCEMENT OF PLANNING CONTROL

Town and Country Planning Act 1990

(As amended by the Planning & Compensation Act 1991)

DEVELOPMENT AND REGENERATION SERVICES

King's Court, Chapel Street

King's Lynn, Norfolk PE30 1EX

Tel: (01553) 616200

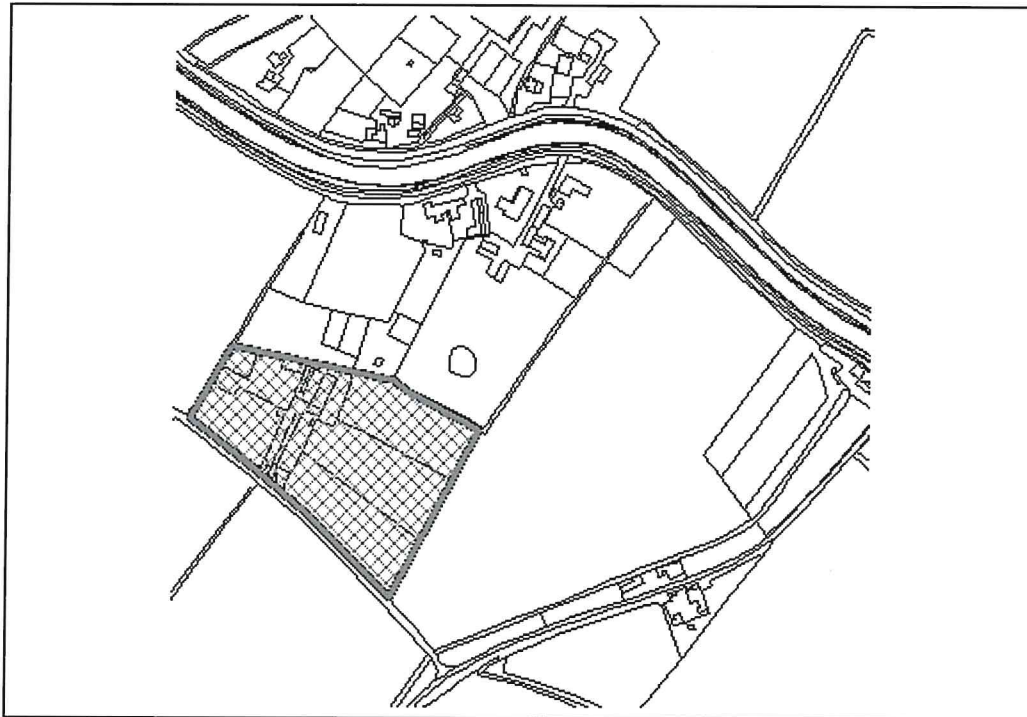
Fax: (01553) 616652

DX 57825 KING'S LYNN

Website: www.west-norfolk.gov.uk

A Plan showing site at: Land E Church Field SW of 54 Well Creek Road
And E of Baldwins Drove Outwell

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| Ref: 19/00247/NIA | Date: 21 September 2021 |
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