



Case Reference Number: 22/00544/UNOPDE

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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**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 at Saint Andrews Lane, Congham, Norfolk, ("the Land") as shown shaded on the attached plan.

- 3. THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the unauthorised operational development involving structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side.

- 4. REASONS FOR ISSUING THIS NOTICE**

The above breach of planning control has occurred within the last 4 years.

It is considered that the development is in breach of condition Q.1. (b) of Schedule 2, Part 19, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The infilling of the bridge arch means the line of the railway is unable to be experienced through the bridge, resulting in a loss of legibility and a loss of evidential and historic significance.

The bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the structure itself.

This results in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is contrary to paragraph 130, 189 and 203 of the NPPF. Alongside this, the development does not protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area.

As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

#### 5. WHAT YOU ARE REQUIRED TO DO

- i) Permanently remove the structural infilling from the railway bridge and the embankments formed on either side.
- ii) Restore the land and bridge to its original condition.

#### 6. TIME FOR COMPLIANCE

3 months from the date this notice takes effect.

#### 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10 JANUARY 2024, unless an appeal is made against it beforehand.

Date of Issue: 29 NOVEMBER 2022

Signed:   
Mr S Ashworth  
Assistant Director, Environment and Planning  
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:

- Historical Railways Estate, National Highways, Bridge House, 1 Walnut Tree, Close, Guildford, Surrey GU1 4LZ
- Department for Transport, National Highways, 37 Tanner Row, York, YO1
- National Highways, Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ
- Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR
- Mr Michael Craig Rae of Roydon Hall, Hall Lane, Roydon, Diss IP22 5XL
- Owner/Occupier of Land at Saint Andrews Lane, Congham, Norfolk, ("the Land") as shown shaded on the attached plan.

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 £468.00.

## ANNEX

# THIS IS IMPORTANT

### Your Right of Appeal

You can appeal against this Notice to the Secretary of State, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in Paragraph 7 of the Notice.

The appeal must be in writing and must include a statement in writing of the grounds of the appeal and the facts relied upon in support of each ground.

If you want to appeal against this Enforcement Notice you can do it:-

- On-line at the Appeals Casework Portal [www.gov.uk/appeal-enforcement-notice/how-to-appeal](http://www.gov.uk/appeal-enforcement-notice/how-to-appeal); or
- By getting Enforcement Appeal Forms by phoning the Secretary of State on 0303 444 5000 or by emailing [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)
- [www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf](http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf)

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

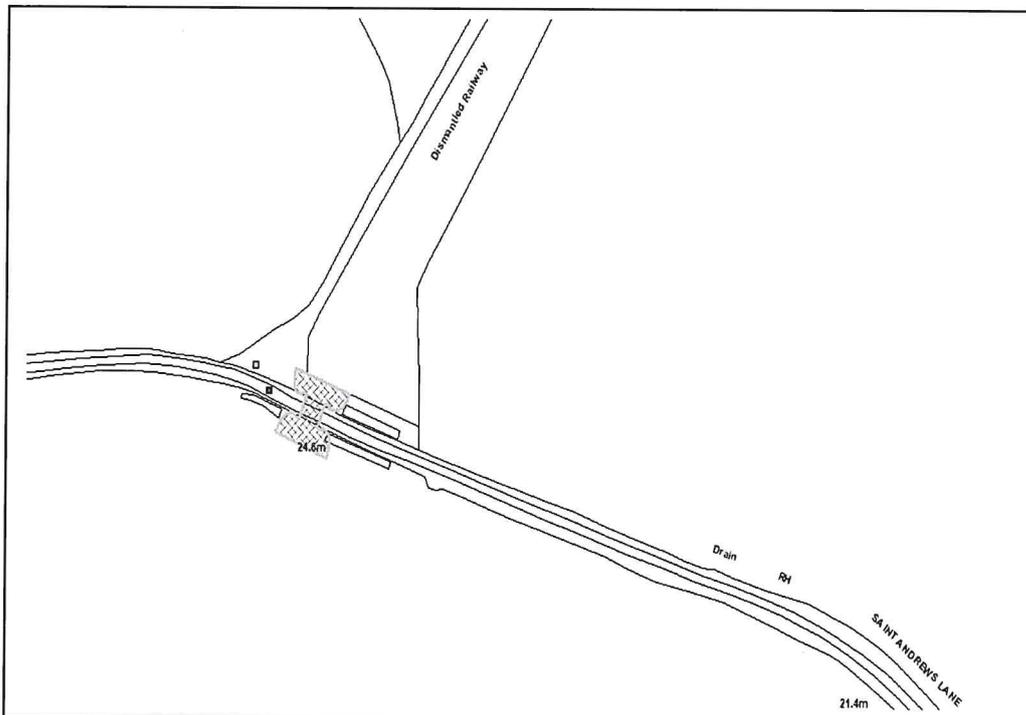
Fax: (01553) 616652

DX 57825 KING'S LYNN

Website: [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

A Plan showing site at: Bridge On Saint Andrews Lane Congham

Ref: 22/00544/UNOPDE	Date: 4 October 2023
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