2/7 2am.

NORWICH MAGISTRATES COURT IN THE CASE OF:

North Norfolk District Council – v – Huddies Ltd. and Andrew Roper

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CHANGE OF PLEA TO GUILTY IN MITIGATION

Dear Sirs,

This letter is intended as a change of plea from not guilty to guilty in mitigation on behalf of me and my company.

Whilst I still maintain that I did not receive the relevant Notice on the date alleged, I accept that, given the photographs before Your Worships, the court would require that I produce some evidence that the Notice was not served, or else demonstrate that the photographs of the service are forgeries, in order to satisfy the court that the Notice is void on account of it not being duly served, whereas the only argument of the non-service of the Notice that I can put before Your Worships is the argument from silence, that I had appealed all similar Notices from the authority, yet I neither appealed nor demonstrated any knowledge of this Notice until 20th June when I refer to the fact that I had not received it.

The intention of the prosecuting authority to adduce hearsay evidence of the service, despite the fact that the alleged service involved two members of the District Council as evidenced in the photographs, has made it more difficult to disprove that the Notice was duly served. The authority has made no reference to, or identified, the second person who attended the property with Kate Steventon on the date when the Notice was allegedly served.

I further accept that it would have been prudent to seek legal advice prior to the end of the deadline by which the works had to be completed, since I erred in believing that I could not appeal the s.215 Notice as the time limit for appeals had passed, and that this further undermines my case.

I accept, therefore, that I am faced with escalating court costs whilst I am unable to refute the evidence against me to the satisfaction of the court, and have no realistic prospect of acquittal.

I enter a plea of guilty in mitigation, the submissions for which are enclosed along with documents that are referred to.

Yours faithfully

Andrew Roper

3/6/15

Date: 5th May 2015

Contact Df to ask him to clarify his plea Otherwise it will remain NG 3/6

Mitigation:

1) I was not aware of the s.215 notice until it was referred to in a letter requesting my intentions for the property at Shannocks, 1 High Street, Sheringham dated 11th June 2014, with an enclosed letter from 22nd May 2014 asking my intentions for the property and if I would be minded to sell it.

2) I responded on 20th June 2014, as referred to in the letter from NNDC of 4th July 2014, though I do not have the letter as I did not create a back-up copy before my old computer stopped functioning. I stated that I was considering the potential uses for the property, either as a business of possibly a conversion of use to residential accommodation and having informal discussions an architect. I stated that, if the Council wished to make an offer, it would have to reflect the profit margin that myself and the architect believed could be attained by renovation. I also stated that I had not yet received a copy of the Notice.

3) The letter of 4th July 2014 stated that my response had been noted and enclosed a copy of the s.215 Notice. Whilst I acknowledge with hindsight that I should have appealed the Notice at the time, as I had done with previous Notices, I believed that an appeal was impossible since the Notice had become operative between the alleged service and my receipt of it.

4) I am still perplexed that the authority took four photographs of the service of the Notice, since as far as I am aware, this is the only time that the authority has ever gone to these lengths to prove that a Notice was served. It was not until June that the authority would have been able to reasonably believe that I would question the service of the Notice, since I have never questioned the service of other Notices from NNDC, and have appealed on other occasions. Further, if the prosecuting authority had supposed that I would refute that the Notice was duly served, it was open to them to send it by e-mail as well as by hand, relatively little effort when judged against the measures that the authority took to prove service, or else ensure service through sending the Notice by recorded delivery.

5) Since the date when the Notice expired, and within the relevant period of these proceedings, I have done all that I can reasonably do to satisfy the requirements that I address the amenity of the land whilst ensuring that the works undertaken are of a standard that will provide longevity for the improvements, since the advice I had received was that any attempt to paint a building after it had been exposed to salt water ingress would result in a very inferior standard of paintwork, likely to crack and fall away, and would make rending, my preferred option for the building, very difficult.

6) I and my contractor have been in touch with Mr. Mitchell with regard to our intentions to comply with the Notice, albeit out of time. It was stated in emails that the best way forward would be to strip away the mortar from the building and, after allowing appropriate time for the salt water that had permeated the structure to dissipate, to rend the building in spring 2015 after a test piece had been put in place for inspection.

7) The proposed schedule, which was not objected to by Mr. Mitchell when it was put to him, has been undertaken. A test piece has been laid, and having found the test piece satisfactory, I will be instructing Mr Field to rend the entire building. I believe that, in addition to other work already undertaken, this will bring the building into compliance with the Notice.

Costs

I humbly submit that the court should remove the costs that the prosecutor has demanded that are not related to bringing legal proceedings to court. The correspondence, mileage and site visit costs are not costs incurred in relation to the court proceedings, but are costs that were incurred prior to proceedings in order to monitor compliance with the Notice. Monitoring costs are not generally available to planning authorities since these are not needed to make the Notice acceptable in planning terms.

In particular, I submit that the site visit costs should not be awarded, since this site visit occurred pursuant to a Notice of Entry under sections 76, 77, 78, 79 and 95 of the Building Act 1984 for the purposes of assessing whether the prosecuting authority should exercise any functions in relation to the 1984 Act and, as such, the court should regard the site visit as irrelevant to the case and not award the costs for an entirely separate event.

Sentence

I submit that the court should consider that I entered my not guilty plea when I was ignorant of the large evidential burden placed upon my defence that the Notice had not been duly served, since I had not received it until 4th July 2014. I further entered the proceedings believing that my actions in complying with the Notice would have provided a defence in accordance with s.216(5)(ii) of the 1990 Act, though I accept that this was outside of the compliance period.

I submit for the court's consideration that I had not flagrantly disregarded the Notice, but had put in place a schedule, to which I received no objection, months prior to the authority bringing a private prosecution. I have complied with this whilst this prosecution has progressed, and will continue to bring the building to amenity according to this schedule.

I thank your Worships for taking the time to read and consider my Submissions