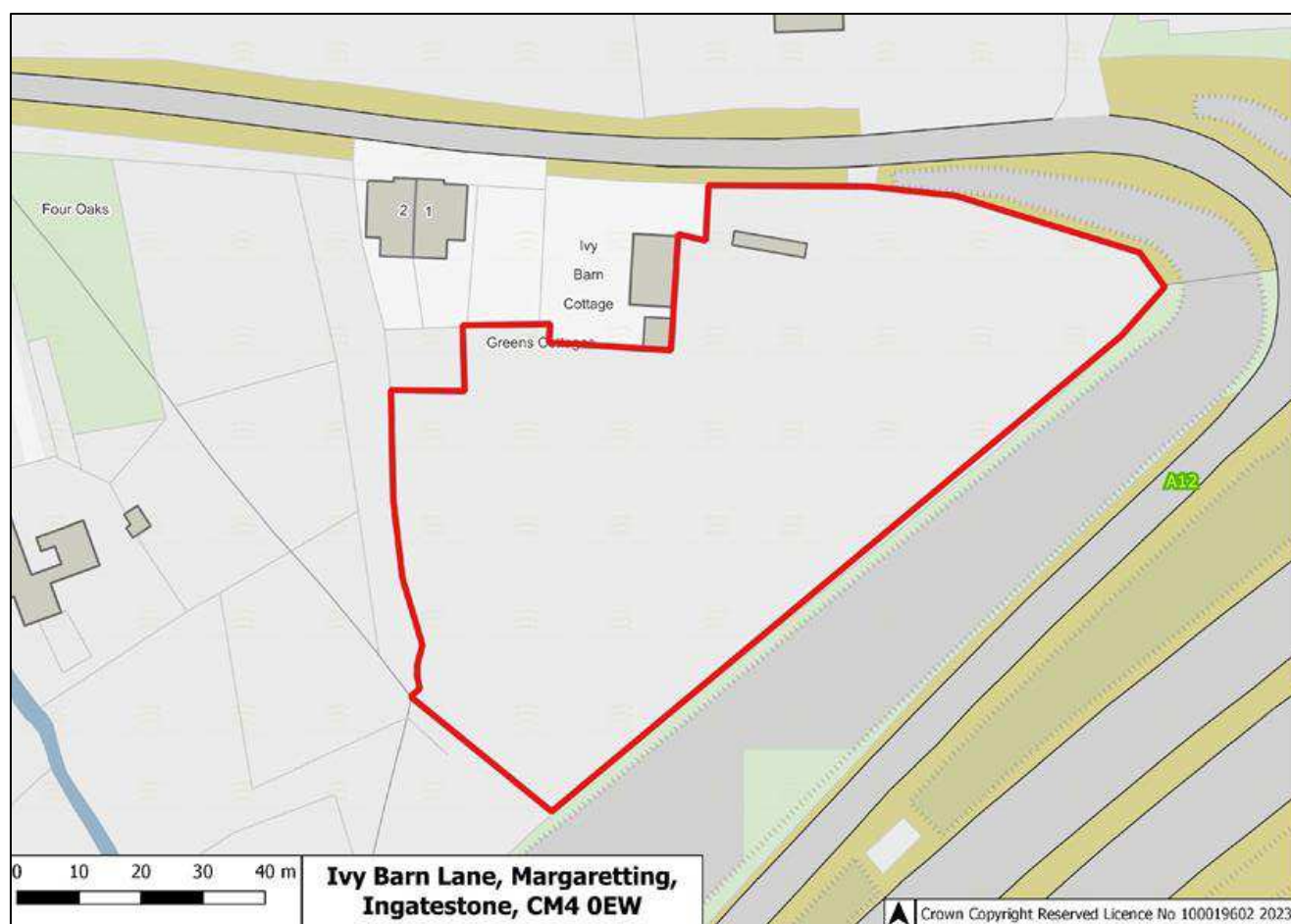


DR/38/23**Report to:** DEVELOPMENT & REGULATION (27 October 2023)**Enforcement:** INFORMATION ITEM – UNAUTHORISED MINERALS AND WASTE DEVELOPMENT – Without the benefit of planning permission, a material change of use of land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils, raising the levels of the land**Ref:** ENF/1201**Location:** Land to the south of Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long Tel: 03330 322837

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1. SITE AND BACKGROUND

The area of land to which this report relates is located off Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW. The site comprises roughly 0.6 hectares of land and is bound to the east by the A12 Margaretting (Junction 14) off slip. To the north of the site, on the other side of Ivy Barn Lane, is an events venue, with the hamlet of Handley Green to the west. The nearest residential property, to the site, is Ivy Barn Cottage which is directly adjacent and was granted planning permission by Chelmsford City Council in 2019.

The extant use of all the land to which this report relates is considered to be agricultural.

In terms of designations, the site forms part of the Metropolitan Green Belt as detailed within the Policies Map accompanying the adopted Chelmsford Local Plan (2020).

In August 2023, the WPA was made aware that material had potentially been imported to the land and accordingly officers sought to visit the site to ascertain the nature of works ongoing. The visit confirmed that material had been imported and deposited across the site, significantly raising the level of the land in places.

In context of the type and quantity of material deposited, it was considered that a material change of use of the land had occurred without the benefit of planning permission.

The landowner was present when the WPA first visited the site and initially requested a two-week period to remedy the identified breach of planning control. Officers considered the request to be reasonable given further desk-based research would be needed before any formal enforcement action could potentially be taken.

After the two-week period expired, a site visit found material/waste had not been removed from the site by the landowner. In view of this, the findings of the desk-based research undertaken with regard to the site history and the ongoing harm being caused by the unauthorised development to the environment, local residential amenity and the character and appearance of the area, the WPA considered it expedient to pursue formal enforcement action.

2. CURRENT POSITION

The WPA served an Enforcement Notice on the 27th September 2023. The Enforcement Notice defines the breach of planning control or unauthorised development as “a material change of use of the land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils (together the ‘waste materials’), raising the levels of the land.”

The Enforcement Notice will take effect on the 3rd November 2023 unless an appeal is made against it beforehand. The Enforcement Notice requires the landowner to:

- Cease, and do not resume, any further importation, deposition, storage and spreading of waste materials on the land within 1 day from the date the Notice takes effect.
- Remove from the land all waste materials and machinery associated with the unauthorised development within 3 months from the date the Notice takes effect.
- Restore the land to its condition prior to the commencement of the unauthorised development within 4 months from the date the Notice takes effect.

Officers will continue to monitor the site in relation to the Enforcement Notice to ensure compliance.

LOCAL MEMBER NOTIFICATION

CHELMSFORD – Stock