

**DR/22/17**

committee                      DEVELOPMENT & REGULATION

date                              26 May 2017

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**ENFORCEMENT OF PLANNING CONTROL – INFORMATION ITEM**

**Enforcement update.**

Report by Acting Head of County Planning

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**1.        PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 1 January to 30 April 2017 (Quarterly Period 1).

**2.        DISCUSSION**

**A.      Outstanding Cases**

As at 30 April 2017 there are 25 outstanding cases. Appendix 1 shows the details of sites (11) where, after investigation, a breach of planning control is considered to have occurred.

**B.      Closed Cases**

6 cases were resolved during the period 1 January to 30 April 2017.

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**LOCAL MEMBER NOTIFICATION**

Countywide

# Enforcement Committee Report

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
<b>Brentwood Borough</b> Land on the South Side of Church Road, (To the rear of Lizvale Farm), Church Road, Navestock, Romford, RM4 1HB	Importation of waste		Suzanne Armstrong 05-apr-17 16:10:05  A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials, subsequently raising the levels of the land. An Enforcement Notice has been served for the removal of the waste, the notice has taken effect and full compliance is due by the 7th February 2018
Brindles Farm, Hanging Hill Lane, Hutton, Essex, CM13 2HN	Importation of waste		Suzanne Armstrong 05-apr-17 15:59:59  A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials, (including soils, rubble and other similar waste materials) raising the levels of the land. An Enforcement Notice has been served for the removal of the waste, the notice has taken effect and full compliance is due by the 24th August 2017.
Waterworks Spring, Dagwood Lane, Doddinghurst, Brentwood, Essex, CM15 0RX	Importation of waste		Suzanne Armstrong 06-apr-17 14:45:16  Without the benefit of planning permission, the use of the land for the importation, deposition, storing and spreading of waste materials (including soils, rubble and other similar waste materials), raising the levels of the land. A Temporary Stop Notice was served on the 4th November 2016 and an Enforcement Notice on the 27th October 2016. The notice requires to cease and do not resume, the importation, deposition, storing and spreading of waste materials, remove from the land all waste materials and restore the land. The notice has taken effect and full compliance is due by the 25th December 2017.
Spring Farm, Murthering Lane (opposite Curtis Mill Lane), Romford, Essex, RM4 1HL	Skip Company operating from land		Suzanne Armstrong 06-apr-17 14:43:14  A large amount of waste material has been deposited around the border of Spring Farm. A timescale has been agreed, with the land owner, for the removal of the waste materials. Further visits will be carried out.

<b><u>Location</u></b>	<b><u>Nature of problem</u></b>	<b><u>Action Result</u></b>	<b><u>Remarks</u></b>
<b>Chelmsford City</b> Land at Youngs End, London Road, Braintree, Essex, CM77 8QN	Importation of waste		<p>Suzanne Armstrong 25-apr-17 17:15:38</p> <p>The unauthorised importation and deposition of waste materials. A Temporary Stop Notice (TSN) was served on the 7th April 2017 to cease importation of waste materials. The TSN remains effective for 28 days and expires the 5th May 2017.</p>
<b>Colchester Borough</b> Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ	Importation of waste		<p>Suzanne Armstrong 12-apr-17 09:36:20</p> <p>The use of the land for importation, deposition, storing, processing and spreading of waste materials (including soils, and other similar waste materials), subsequently raising the levels of the land (the unauthorised development). On the 6th March 2017 Essex County Council as Waste Planning Authority attended Chelmsford Magistrates Court to prosecute the land owner and tenant for failure to comply with the enforcement notice served on the 28th August 2015, also the Environment Agency prosecuting for breaching a waste exemption. At this hearing the defendants (land owner and operator) pleaded guilty to both offences. The defendants (land owner and operator) were each sentenced to a fine and costs, which altogether totaled £66,493.00. The court has issued a deadline of the 7th May 2017 for payment of this fine.</p>
<b>Epping Forest District</b> Tylers Cross Nursery, Epping Road, Nazeing, Waltham Abbey, EN9 2DH	Depositing of inert waste material		<p>Suzanne Armstrong 06-apr-17 14:38:21</p> <p>Without the benefit of planning permission, the use of the land for the importation, deposition and spreading of waste materials (including soils, rubble and other similar waste materials), raising the levels of the land. An enforcement notice is being prepared for the removal of the waste materials.</p>
<b>Maldon District</b> Rear of Greystones, Scraley Road, Heybridge, Maldon,	Waste operations		

<b><u>Location</u></b>	<b><u>Nature of problem</u></b>	<b><u>Action Result</u></b>	<b><u>Remarks</u></b>
<b>Maldon District</b> Essex, CM9 8JA			<p>Suzanne Armstrong 06-apr-17 14:39:22</p> <p>A waste transfer facility is operating from this land. The land owner has been advised that all waste operations should cease and the waste be cleared from the land. A timescale has been agreed and a follow up visit will be carried out to ensure compliance.</p>
Asheldham Quarry, Southminster Road, Asheldham, Essex, CM0 7DZ	Concrete batching plant		<p>Suzanne Armstrong 05-apr-17 16:11:48</p> <p>Application ESS/25/15/MAL for the retention of the concrete batching plant was refused and as part of the original decision it was recommended an enforcement notice be served for the removal of the concrete batching plant. An enforcement notice was served on the 11th January 2016. The notice took effect on the 10th February 2016 and compliance was due by 10th July 2016.</p> <p>The applicants' agent appealed the enforcement notice; however the Planning Inspectorate declined the appeal on the grounds of the application being out of time. A new application was submitted, for the retention of the concrete batching plant with the applicant seeking to address the previous applications reasons for refusal, as well as providing a revised location along with additional infrastructure.</p> <p>The new application ESS/20/16/MAL was an application for a Temporary Permission with a number of amendments to the original application, including the relocation of the existing batching plant, some new development and some retrospective. Application ESS/20/16/Mal was refused on the 12th August 2016.</p> <p>An appeal against the refusal to grant planning permission has been submitted to the Planning Inspectorate.</p>
<b>Tendring District</b> Mantys Equestrian, Brook Farm, Nansen Road, CLACTON-ON-SEA, Essex, CO15 5EF	Importation of waste		<p>Suzanne Armstrong 12-apr-17 09:31:44</p> <p>Importation, deposition and spreading of waste materials (including soils, rubble and other</p>

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
<b>Tendring District</b>			similar waste materials) raising the levels of the land. On the 3rd March 2016 a Temporary Stop Notice was served to cease the importation and spreading of the waste on the land. ECC are currently working with the land owner in removal of the waste from the land. Ongoing monitoring.
<b>Uttlesford District</b> New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste		Suzanne Armstrong 05-apr-17 15:57:13  Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The land owner and tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal is required by the 1st July 2017.