

DR/37/16

committee DEVELOPMENT & REGULATION

date 28 October 2016

ENFORCEMENT OF PLANNING CONTROL – INFORMATION ITEM

Enforcement update.

Report by Head of Planning, Environment and Economic Growth

Enquiries to Suzanne Armstrong – Tel: 03330 136 823

1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 01 July to 30 September 2016 (Quarterly Period 3).

2. DISCUSSION

A. Outstanding Cases

As at 30 September 2016 there are 18 outstanding cases. Appendix 1 shows the details of sites (8) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

9 cases were resolved during the period 01 July to 30 September 2016.

LOCAL MEMBER NOTIFICATION

Countywide

Enforcement Committee Report

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
Basildon Borough Units 10 - 11, Archers Fields Close, Burnt Mills Industrial Estate, Basildon, SS13 1DW	Paper recycling activities without PP		Suzanne Armstrong 10-oct-16 12:42:31 An application was submitted to renew an existing permission on site, which had not been implemented. A site visit confirmed that a cardboard and plastic recycling facility was operating from the land. The land owner has been made aware that the current use of the site does not benefit from planning permission. An application has been submitted to the Waste Planning Authority for on site activities.
Braintree District Little Warley Hall Farm, Ranks Green, Fairstead, Chelmsford, Essex, CM3 2BG	Dirty water (waste) from abattoir and storage tank		Suzanne Armstrong 12-oct-16 07:33:43 The appeal decision by the Secretary of State was under challenge by judicial review. The Secretary of State was unsuccessful in defending the inspector's conclusions on the Little Warley enforcement notice appeal and deemed planning application. The matter was remitted for a fresh decision by a new inspector. The Hearing date has been set for 6th October 2016. Further updates will be provided.
Brentwood Borough 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 10-oct-16 11:17:19 Importation deposition and spreading of waste materials, raising the levels of the land. A TSN (temporary stop notice) was served on the land on the 27th June 2016, since the service of the notice no further waste materials have been imported. On the 1st August 2016 Essex County Council as Waste Planning Authority served a planning contravention notice on persons requiring them to provide certain information about the interest in, and activities on the land. Ongoing investigations.
Brindles Farm, Hanging Hill Lane, Hutton, Essex, CM13 2HN	Importation of waste		Suzanne Armstrong 27-sep-16 11:56:53 A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials, (including soils,

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
			<p>rubble and other similar 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 24th August 2017.</p>
Colchester Borough Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ	Importation of waste		<p>Suzanne Armstrong 10-oct-16 12:45:55</p> <p>The importation, deposition, processing and storage of waste; subsequently raising the levels of the land. An ongoing Joint investigation by The Waste Planning Authority and the EA. An enforcement notice has been served. The notice took effect on the 28th September 2015 and compliance was due by the 28th January 2016. A site visit has confirmed that the enforcement notice has not been complied with. ECC are currently working with the EA in consideration of a prosecution for non-compliance with the enforcement notice. A further update will follow.</p>
Maldon District Asheldham Quarry, Southminster Road, Asheldham, Essex, CM0 7DZ	Concrete batching plant		<p>Suzanne Armstrong 10-oct-16 11:27:10</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 applicant's 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. The new application ESS/20/16/MAL was an application for a temporary permission with a number of</p>

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
			<p>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>The applicants have a right of appeal against the refusal of planning permission and it would appear that it is the applicant's intention to submit an appeal to the Planning Inspectorate. Whilst an application or an appeal is in progress enforcement action is held in abeyance.</p>
<p>Uttlesford District Land at Intersection A120/B1256, Stortford Road, Braintree, Essex</p>	Importation of Waste		<p>Suzanne Armstrong 12-oct-16 07:19:00</p> <p>Importation, deposition and spreading of waste materials, substantially raising the levels on the land. An enforcement notice was served on the land. Compliance was due by the 13th June 2015. The enforcement notice was not complied with and on the 10th November 2015, Essex County Council as Waste Planning Authority attended Colchester Magistrates Court to prosecute the land owner for failure to comply with the enforcement notice. The defendant was sentenced to a fine of £1000, costs of £600 and a victim surcharge of £100 and court costs of £180, totaling £1880. A final timescale was agreed with the landowner to comply with the enforcement notice and clear the land of waste materials. A visit was carried out on the 12th August 2016. The land has been cleared of all waste and the enforcement notice complied with.</p>
New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste		<p>Suzanne Armstrong 10-oct-16 12:23:48</p> <p>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</p>

Location**Nature of problem****Action Result****Remarks**

waste and restore the land, which commences from the 1st July 2016. The removal is required by the 1st July 2017.