

## PLANNING COMMITTEE

19 APRIL 2011

### REPORT OF THE TEMPORARY HEAD OF PLANNING

#### A.2 ENFORCEMENT QUARTERLY PERFORMANCE REPORT

##### 1. Background

- 1.1 This report has been compiled to inform the Committee of the Enforcement Service's performance over the past three months
- 1.2 The first quarter of 2011 has again been a busy period for the Service. The number of cases received and closed in this quarter has increased on the last quarter of last year, but the Service has managed to keep the workload at a constant level.
- 1.3 The key issues for the team have again been the inspection of winter occupancy on holiday caravan and chalet sites, and prosecution work. Insofar as holiday caravan site inspections are concerned we are now able to confirm that all of the sites inspected are adhering to their permitted occupancy times. The investigation of winter occupation of chalets within the Point Clear area of St Osyth, has highlighted a number of addresses (up to 40 properties), where chalets are occupied as sole residences and will need formal action to be taken.

##### 2. Cases on hand at start of period: 312

##### 3. Cases Received and Closed

Month	Cases Received	Cases Closed
October	39	46
November	51	62
December	79	57
<b>Total</b>	<b>169</b>	<b>165</b>

##### 4. Cases on hand at end of period: 316

##### 5. Notices Served

Type of Notice	
Enforcement Notice	5
Stop / Temporary Stop Notice	0
Breach of Condition	1
Untidy Site	2
Planning Contravention Notice	9
Section 330	4
Injunctions	0
<b>Total</b>	<b>21</b>

## 6. Appeals Received

Members are formally notified of all planning enforcement appeals lodged with the Secretary of State and of their outcome. The table below contains information on the appeals that have been lodged during the last quarter.

<b><u>Address</u></b>	<b><u>Development</u></b>	<b><u>Type</u></b>	<b><u>Reference</u></b>
Bottles Hall, Clacton Road, Elmstead	Erection of unauthorised agricultural building	Section 174	10/00417/CHGUS3
66 Lymington Avenue, Clacton	Erection of boundary wall/fencing abutting a highway	Section 174	10/00367/BLDOP3
6 Station Road Manningtree	Installation of extractor system	Section 174	10/00581/BLDOP3
262 Point Clear Road, St Osyth	Use of summer house for residential purposes	Section 174	10/00275/CHGUS3
Orchards Holiday Village, Colne Way, Point Clear Bay, St Osyth	Erection of supermarket and access road.	Section 174	10/00284/BLDOP3
Aqua Valet, 324 London Road, Clacton	Use of land for stationing of container.	Section 174	10/00534/BLDOP3

## 7. Appeals Determined

7.1 Of the appeals lodged against the Council's decision to issue a notice, the cases listed in the table below have been determined in the current quarter.

<b><u>Address</u></b>	<b><u>Development</u></b>	<b><u>Type</u></b>	<b><u>Reference</u></b>	<b><u>Decision</u></b>
19 Church Street, Harwich	Installation of extractor ducting	Section 174	08/00554/BLDOP3	Dismissed
The Moon & Starfish, Royal Hotel, 1 Marine Parade East, Clacton	Erection of canopy and bottle store.	Section 174	07/00225/BLDOP3	Dismissed

## 8. Prosecutions

Over the current quarter the Council has mounted prosecution proceeding on the following cases.

<b><u>Address</u></b>	<b><u>Offence</u></b>	<b><u>Reference</u></b>	<b><u>Plea</u></b>	<b><u>Fine</u></b>	<b><u>Costs Awarded</u></b>
262 Point Clear Road, St Osyth	Residential use of outbuilding	09/00027/CHGUS3	Not Guilty. (Referred to Crown Court by Magistrates' Court)		

St Osyth Sunday Market	Flyposting	10/00160/ADVRT3	Not Guilty 31.01.2011	£500	£1000
Bel Air Chalet Park, St Osyth	Non-compliance with breach of condition notice	10/00029/BRCHC3	Awaiting Court date		
12 New Way, St Osyth	Non-compliance with three enforcement notices	09/00394/BLDOP3	Court date deferred until 13 April 2011		
Bottles Hall, Clacton Road, Elmstead Market	Non-compliance with Stop Notice (4 offences)	10/00417/CHGUS3	Guilty	£5600	£650

## 9. Conclusions

- 9.1 In this quarter the enforcement team have won two appeals, which gives us a success rate of 100%. Overall our appeals success rate, from July 2009 on enforcement matters determined by the Planning Inspectorate continues to run at a healthy 86.67%.
- 9.2 Our pro-active approach to addressing breaches of planning control within the Point Clear area will increase the Service's workload throughout the next quarter and it is likely some occupants will need to find alternative accommodation for the 2011/2012 winter period. Action taken to secure compliance with winter occupancy conditions at Point Clear will be undertaken in consultation with other Council Services so to ensure the Council acts as a single body on this matter, all departments involved will discuss this prior to enforcement action being taken

### Background Papers

None, other than published works.