

PLANNING COMMITTEE

26 JULY 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.3 ENFORCEMENT QUARTERLY PERFORMANCE REPORT

1. Background

This report has been compiled to inform the Committee of the Enforcement Service's performance over the past three months

The second quarter of 2011 has again been a busy period for the Service and the projected number of cases for investigation this year is above the 690 received in 2010. The number of cases received and closed this quarter has once again increased on the last quarter of last year, but the Service has managed to keep the workload at a constant level.

The key issue for the team for the immediate future is the investigation of winter occupation of chalets within the Point Clear area of St Osyth. This has highlighted a number of addresses (up to 40 properties), where chalets are occupied as sole residences without the required permission and will need formal action to be taken.

2. Cases on hand at start of period: 316

3. Cases Received and Closed

Month	Cases Received	Cases Closed
April	49	47
May	61	48
June	56	60
Total	166	155

4. Cases on hand at end of period: 327

5. Notices Served

Type of Notice	
Enforcement Notice	7
Stop / Temporary Stop Notice	3
Breach of Condition	1
Untidy Site	1
Planning Contravention Notice	1
Section 330	2
Injunctions	0
Total	17

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.

None received.

7. Appeals Determined

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.

Address	Development	Type	Reference	Decision
Former Little Chef, Colchester Road, Great Bentley	Change of use from restaurant to display for sale and sale of motor vehicles	Section 174	09/00345/CHGUS3	Dismissed
Former Little Chef, Colchester Road, Great Bentley	Operational development including erection of fencing, CCTV Cameras, laying of hard surface and erection of workshop	Section 174	09/00345/CHGUS3	Split Decision. Fencing, CCTV Cameras and hardened surface dismissed. Workshop granted permission
42-44 Brooklands Gardens Jaywick	Erection of dwelling	Section 174	09/00621/BLDOP2	Dismissed

8. Prosecutions

Over the current quarter the Council has mounted prosecution proceedings on the following cases. Other cases have however been listed for the Courts but withdrawn following last minute compliance with enforcement notices.

Address	Offence	Reference	Plea/Comment	Fine	Costs Awarded
12 New Way St Osyth Clacton On Sea Essex CO16 8LU	Erection of outbuildings	09/00394/BLDOP3	Notice complied with so not taken back to Court. Cost contribution requested		

Potters Cottage, Harwich Road, Wix	Erection of dwelling	08/00011/BLDOP2	Not Guilty	£500	£250
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9. Conclusions

In this quarter the enforcement team have won two appeals and received a split decision on the third which allowed a small section of fencing to remain unaltered on the Little Chef site. This however did not alter the overall decision that the use has to cease in accordance with the requirements of the enforcement notice. For that reason our appeals success rate is 100% for this quarter. Overall our appeals success rate, from July 2009 on enforcement matters determined by the Planning Inspectorate continues to run at a healthy 84%.

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 as 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.