

## PLANNING COMMITTEE

16 FEBRUARY 2023

### REPORT OF THE DIRECTOR OF PLANNING

#### A.6 Planning Enforcement Report

In accordance with the provisions of the Council's Enforcement Policy, the following report is to be provided to Planning Committee on a quarterly basis for information. No information in this report is considered to be confidential, but personal and site information that may allow identification of the site and/or persons is not provided given the confidential nature of enforcement activities and consideration of data protection requirements.

Live Information was taken on 17<sup>th</sup> January 2023.

The enforcement policy seeks to report the following areas.

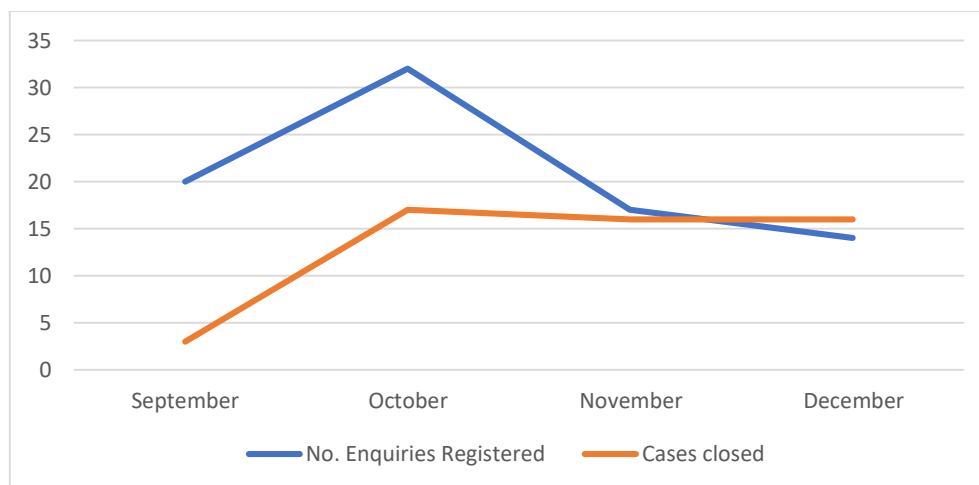
- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgements within 3 working days
- number of harm assessment completions within 20 days of complaint receipt.
- number of site visits within the 20 day complaint receipt period.
- number of update letters provided on/by day 21
- number of live cases presented by category, electoral ward and time period since receipt;
- enforcement-related appeal decisions.

Please note that some areas are not complete given the recent adoption of the policy and revisions and need to adopt new procedures to enable measurement of the areas required. Changes to current systems are being implemented to enable full reporting for future quarters.

#### **Number of complaints received/registered in the quarter, number of cases closed in the quarter and number of acknowledgements within 3 working days.**

Month	Year	No. Enquiries Registered	No. Enquiries Registered in 3 Working Days	Cases closed
September	2022	20	20	3
October	2022	32	32	17
November	2022	17	17	16
December	2022	14	14	16

### Enquiries and Cases Closed



In conclusion all enquiries were acknowledged in 3 days resulting in 100% success. Within this quarter, it is noted that more total cases at 83 were opened than closed with 52 overall. However, this trend is more balanced later in the quarter and improves.

### **Number of harm assessment completions within 20 days of complaint receipt.**

At this time harm assessments are used for new cases and all are understood to be within 20 days. However, the use of harm assessments started during the last quarter and so is not reported this time. Harm assessments are stored in Idox and need to be manually counted, but we are looking to automate this to provide up to date information per month.

### **Number of site visits within the 20 day complaint receipt period.**

While site visits are recorded, there is not yet a report designed to pull out this information and would require a manual count. This will be reviewed in full for the next report and shall be backdated to cover this quarter.

### **Number of update letters provided on/by day 21**

Some of the data showing when update letter were issued is on the system, but not always consistently inputted as separate officer mail accounts were previously also used. Furthermore, there is currently no report designed to pull this information from the system at this time and this needs expert help to create and has been commissioned. It is hoped we will have this resolved in terms of process to provide up to date information for the next quarter.

### **Number of live cases presented by category, electoral ward and time period since receipt.**

There are 258 Live Cases (17<sup>th</sup> January 2023).

### Time Period since receipt.

Years	No of Days	No of Enforcement Cases
Year 1	1-365	128
Year 2	366-730	36
Year 3	731-1095	8
Year 4	1096-1460	3
Year 5	1461-1825	1
Year 6	1826-2190	4

Year 7	2191-2555	49
Year 8	2556-2920	4
Year 9	3286-3650	1
Year 10	3651-4015	1
Year 11	4016-4380	2
Year 12	4381-4745	20
Year 13	5111-5475	1

Please note cases older than year 9 are urgently being reviewed to action.

### Category

Type	No of Enforcement Cases
Breach of Planning Consent	80
Change of use of Land	17
Failure to build in accordance with Approved Plans	1
Other types of Breaches	144
Unauthorised Advert	1
Unauthorised Building Works	14
Work to TPO Tree	1

This is the current standard category list. However, this shall be altered in future reports to provide a more informative account of enforcement matters and also include a necessary data cleanse of this information. It is considered the standard list should include Untidy sites and is clear on occupation conditions.

This type of enforcement list can be produced another way as provided below, but as you can see this approach provides an extensive list of enforcement matters, fails to be defined and demonstrates the current data inconsistency at this time. This is improving slowly as historic cases are also addressed and is hoped to be resolved further by the next report.

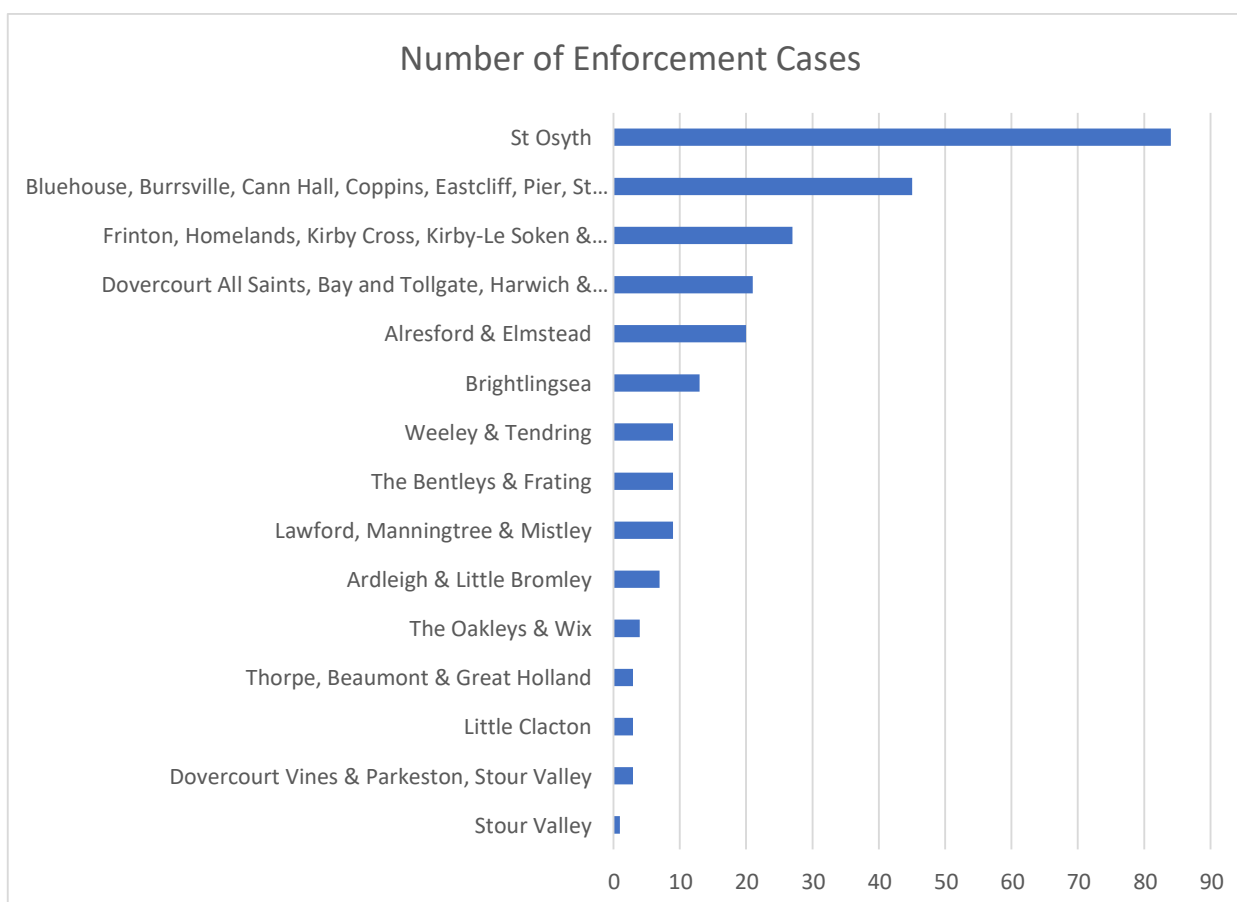
Advertisements	1
Beach of Occupancy Condition	1
Breach of Condition	49
Breach of Conditions	3
Breach of Conditions	1
Breach of Discharge Condition	1
Breach of Occupancy Condition	50
Building Not to Approved Drawings	1
Building of A Mooring Without PP	1
Building Operation	33
Building Operation - Loft Conversion	1
Building Operation and Change of Use of Land	1
Building Operations	6
Building Without Planning Permission	2
Building Works	3
Building Works Being Carried Out May Need PP	1
Building Works Carried Out	2
Change of Use	28

Change of Use of Land	5
Change of Use/Untidy Site	1
Complaint Re Conditions	1
Dangerous Location of Advertising Boards	1
Erection of Flag Poles	1
Fence adjoining Highway	1
Fence Surrounding Site	1
Illegal Advert and ANPR	1
Illuminated Shop Sign	1
Non Compliance of Agreed Plans	1
Non Compliance of Approved PP	1
Non Compliance to Plans	1
Non Compliance to Softlandscaping	1
Non Compliance With Approved Plans	4
Non Compliance With Approved PP	3
Non Compliance With Refusal of PP	1
Non-compliance With The Plans	1
Not Being Built In Accordance With Approved Plans	1
Not Being Built In Accordance With Approved PP	1
Not Built In Accordance With Approved PP	1
Operational Development	1
Outbuilding Construction	1
Possible Breach of Condition	1
Proposed Organic Production	1
Septic Tanks	1
Unauthorised Advert	4
Unauthorised Building	3
Unauthorised Building Operation	2
Unauthorised Building Works	1
Unauthorised Change of Use	5
Unauthorised Development	1
Unauthorised Flood Lighting	1
Unauthorised Use of Land	1
Unauthorised Works to Listed Building	1
Untidy Site	12
Use of Land	1
Use of Mobile Home Not In Accordance With Approved PP	1
Works to A Listed Building	2
Works to Building In Conservation Area	1
Works to Listed Building In Conservation Area	1
Works to TPO Tree	1
(blank)	1

### Electoral ward

The following is the number of enforcement cases divided by Ward. This is translated into a graph further down and order changed to represent highest to lowest number of cases.

WARD	Number of Enforcement Cases
Alresford & Elmstead	20
Ardleigh & Little Bromley	7
Bluehouse, Burrsville, Cann Hall, Coppins, Eastcliff, Pier, St Batholomews, St James, St Johns, St Pauls, West Clacton & Jaywick Sands	45
Brightlingsea	13
Dovercourt All Saints, Bay and Tollgate, Harwich & Kingsway	21
Dovercourt Vines & Parkeston, Stour Valley	3
Frinton, Homelands, Kirby Cross, Kirby-Le Soken & Hamford, Thorpe, Beaumont & Gt Holland, Walton	27
Lawford, Manningtree & Mistley	9
Little Clacton	3
St Osyth	84
Stour Valley	1
The Bentleys & Frating	9
The Oakleys & Wix	4
Thorpe, Beaumont & Great Holland	3
Weeley & Tendring	9



While noting that enforcement type catalogues will be improved for the next report, it was considered that it may still be useful to see the number of enforcement matters by both Ward and then type. Comments on if this is useful for the next report are welcome.

<b>Alresford &amp; Elmstead</b>	<b>20</b>
Breach of Planning Consent	1
Change of use of Land	1
Other types of Breaches	18
<b>Ardleigh &amp; Little Bromley</b>	<b>7</b>
Change of use of Land	1
Other types of Breaches	5
Unauthorised Building Works	1
<b>Bluehouse, Burrsville, Cann Hall, Coppins, Eastcliff, Pier, St Batholomews, St James, St Johns, St Pauls, West Clacton &amp; Jaywick Sands</b>	<b>45</b>
Change of use of Land	8
Other types of Breaches	33
Unauthorised Building Works	3
Work to TPO Tree	1
<b>Brightlingsea</b>	<b>13</b>
Change of use of Land	1
Failure to build in accordance with Approved Plans	1
Other types of Breaches	11
<b>Dovercourt All Saints, Bay and Tollgate, Harwich &amp; Kingsway</b>	<b>21</b>
Breach of Planning Consent	6
Other types of Breaches	12
Unauthorised Advert	1
Unauthorised Building Works	2
<b>Dovercourt Vines &amp; Parkeston, Stour Valley</b>	<b>3</b>
Other types of Breaches	1
Unauthorised Building Works	2
<b>Frinton, Homelands, Kirby Cross, Kirby-Le Soken &amp; Hamford, Thorpe, Beaumont &amp; Gt Holland, Walton</b>	<b>27</b>
Change of use of Land	1
Other types of Breaches	24
Unauthorised Building Works	2
<b>Lawford, Manningtree &amp; Mistley</b>	<b>9</b>
Other types of Breaches	7
Unauthorised Building Works	2
<b>Little Clacton</b>	<b>3</b>
Other types of Breaches	3
<b>St Osyth</b>	<b>84</b>
Breach of Planning Consent	72
Change of use of Land	4
Other types of Breaches	7
Unauthorised Building Works	1
<b>Stour Valley</b>	<b>1</b>
Other types of Breaches	1
<b>The Bentleys &amp; Frating</b>	<b>9</b>
Breach of Planning Consent	1
Change of use of Land	1
Other types of Breaches	7
<b>The Oakleys &amp; Wix</b>	<b>4</b>

Other types of Breaches	4
<b>Thorpe, Beaumont &amp; Great Holland</b>	<b>3</b>
Other types of Breaches	3
<b>Weeley &amp; Tendring</b>	<b>9</b>
Other types of Breaches	8
Unauthorised Building Works	1

### **Enforcement-related appeal decisions.**

We have 7 live enforcement appeals at the time writing this report and partly this is due to significant national delays with the Planning Inspectorate to progress all types of appeal. However, in terms of appeal decisions only one decision was provided in the last quarter September to December 2022.

Appeal A Ref: APP/P1560/C/21/3281604 and Appeal B Ref: APP/P1560/C/21/3281605 at 45 Easton Way, Frinton-on-Sea, Essex CO13 9NU.

The breach of planning control as alleged in the notice is without planning permission the construction of a garden building apparently for use an annex.

- The requirements of the notice are to: 1. Demolish the building; 2. Remove all resulting debris and building materials resulting from Step 1 from the land.
- The period for compliance with the requirements is: Six months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- Appeal B is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.

The appeal was dismissed on 11 October 2022 and the Enforcement Notice upheld.

This item is submitted for **INFORMATION ONLY**.