

PLANNING COMMITTEE

4th JULY 2023

REPORT OF THE DIRECTOR OF PLANNING

A.5 PLANNING ENFORCEMENT REPORT

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 **14th June 2023**.

The enforcement policy seeks to report the following areas.

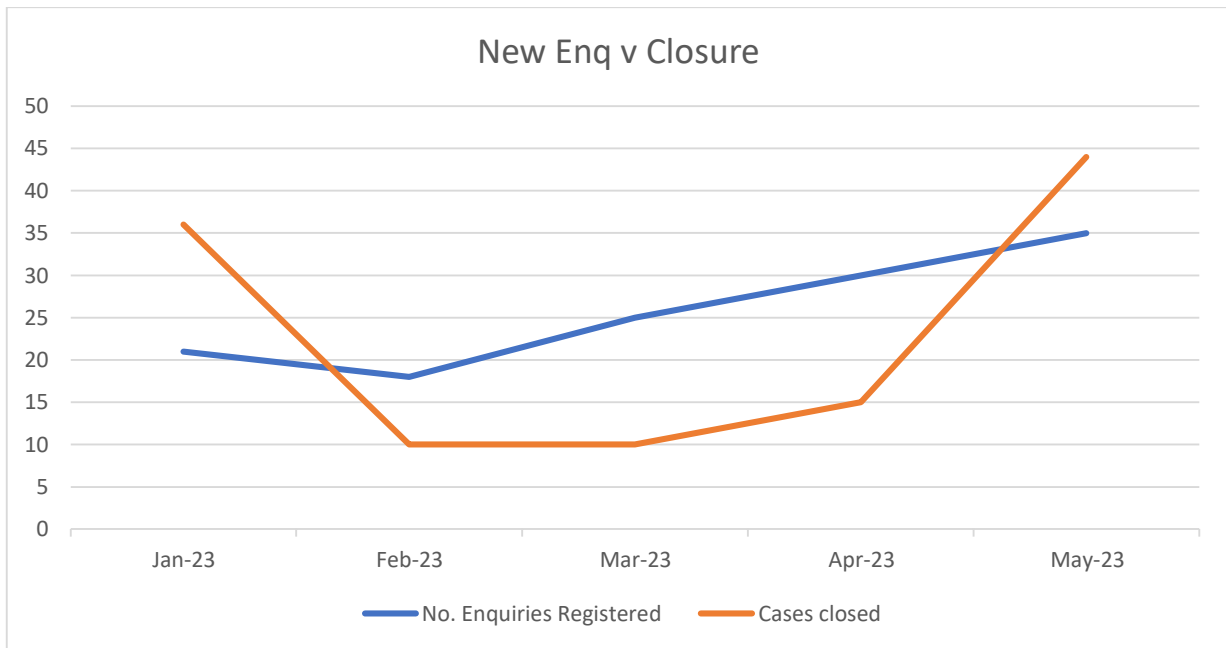
- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgements within 3 working days
- number of harm assessment completions within 20 days of complaint receipt.
- number of site visits within the 20 day complaint receipt period.
- number 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 and phased adoption of the policy, 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, but this report is evolving. This report refers to 1st January 2023 to 14th June 2023 to provide ongoing context to the current position.

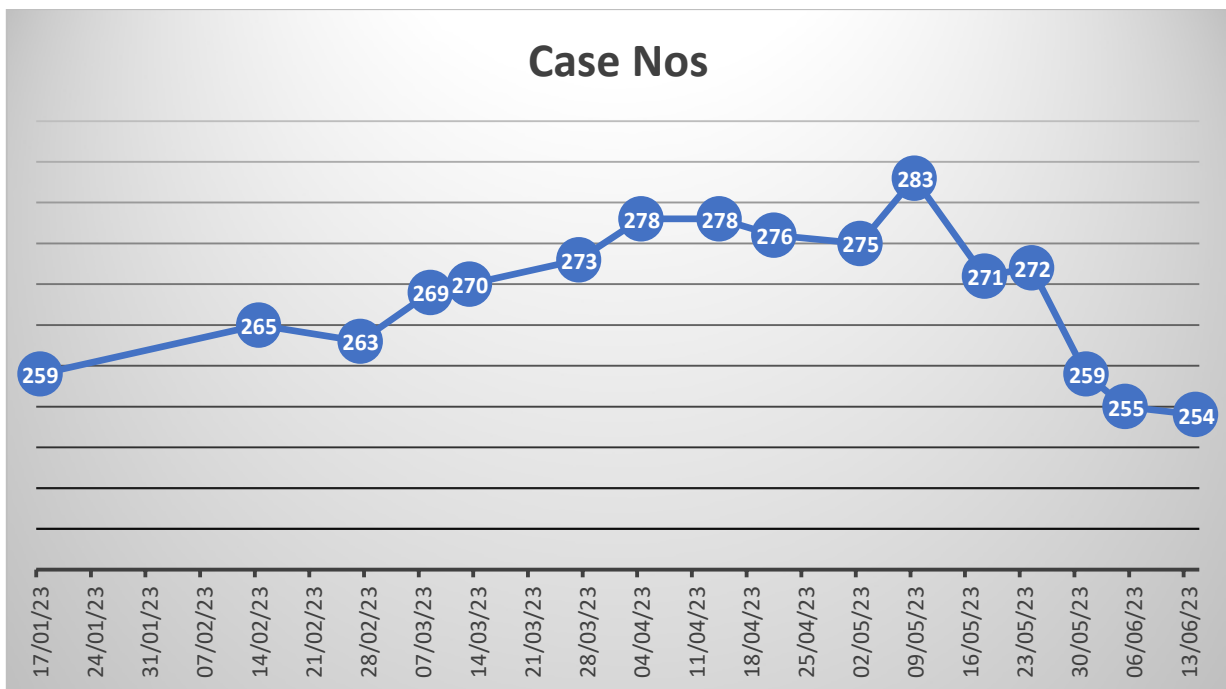
Number of enforcement complaints received/registered in the quarter +, number of cases closed in the quarter + and number of acknowledgements within 3 working days.

Month	Year	No. Enquiries Registered	No. Enquiries Registered in 3 Working Days	Cases closed
Jan-23	2023	21	21	36
Feb-23	2023	18	18	10
Mar-23	2023	25	25	10
Apr-23	2023	30	30	15
May-23	2023	35	35	44

New Enquiries and Cases Closed.



In conclusion, all enquiries were acknowledged in 3 days for the above period resulting in 100% success. It is noted that despite record closures we also have increases in new alleged enforcement enquiries. However, with officers closing more than are being opened the net result is a fall in current cases as shown by the sampling of case numbers taken over time below.



While this drop is supported, an expected base line level of enforcement cases is not set as a goal or policy requirement. For any authority, a baseline would be subject to many variables such as the degree of complication of the individual case, population levels, monitoring resource, levels of development, social trust and public interest.

Mostly these factors are not in the direct control of the District itself, and any target baseline for the number of open cases we should expect for Tendring is difficult to set.

Maintaining a level of 180 to 220 enquires/notices based on historic understanding and comparison to other districts may be a reasonable goal. However, there is a careful balance to strike between efficient and appropriate closure to allow officers to move to the next enforcement matter as soon as they can alongside the need for efficient and quality investigation to ensure harm is resolved and/or reduced.

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 (129 to date). 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.

It is further noted that the Enforcement Policy sought a traffic light and priority system and this has been implemented for new cases.

Priority 1 (P1) This category includes development which could cause irreversible or serious harm if the Council does not act immediately.

Priority 2 (P2) This category includes likely significant public concern or where there is significant immediate harm to the amenity of the area.

Priority 3 (P3) Minor breaches which do not result in significant immediate or irreversible harm or public concern.

There is a Priority 4, but these are non breaches of planning and so are closed straightaway.

Overlaying the priorities is the Red, Amber and Green traffic lights and together this results in the following table. For example P2AMD is Priority 2 and Amber.

P2AMB	6
P2RED	1
P3AMB	25
P3GRE	12
(blank)	207
P2GRE	2
P1GRE	1

There are 207 blanks. These are older cases or before the implementation of the traffic light scheme and priority system that continue to be live matters. They will be adjusted as they are updated and their investigations continue.

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. There is limited skilled technical officers available to design this report at this time.

Number of update letters provided on/by day 21

It remains the case that there is also no report designed to pull this information from the system at this time and this needs expert help to create from the Uniform system in place.

We have instead developed a way to track all future update dates for all Enforcement Cases to ensure updates to complainants are not missed.

This has enabled us to understand the resource need of this task. The average number of update letters/emails required given a 21 day cycle is 105 update letters/emails per week (and never less than a hundred). This significant requirement is not considered likely to be met as a target as it currently applies to all cases. Instead officers are prioritising the active cases for updates only.

Updates may include:

- Writing to say no update is available.
- Writing to provide an update on the stage of investigation and may vary in level of detail
- Writing to close/conclude the investigation and explaining why.

It is realised that should Enforcement Team seek to meet the entire requirement of the policy that over a hundred updates a week need to be issued.

As case numbers drop this will be more manageable as the update demand will also fall, but further consideration of processes, resource and possible automation will be needed to fulfil the policy requirement in full.

For example, if it is an update is only to say “no update is available”, this may perhaps be able to be issued as a standard letter by our support team instead of the officer.

This matter will be explored further and reported back to Members.

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

There are 254 Live Cases at the time of writing this report (14th June).

Time Period since receipt.

Age	No of Cases
Year 1	73
Year 2	69
Year 3	21
Year 4	5
Year 5	4
Year 6	4
Year 7	49
Year 8	4
Year 9	1
Year 10	1
Year 11	2
Year 12	20
Year 13	1

Category

Type	No of Current Enforcement Cases
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Breach of Planning Consent	79
Change of use of Land	12
Failure to build in accordance with Approved Plans	1
Other types of Breaches	149
Unauthorised Advert	1
Unauthorised Building Works	11
Work to TPO Tree	1

Above is the current standard category list used for many years. It has been intended to altered this in future reports to provide a more informative account of enforcement matters and also include a necessary data cleanse of this information. This revision has not yet taken place. However, the following categories are now agreed to be used as replacements and we have instructed an officer to relabelling all current cases. This may take a few weeks to complete as a task.

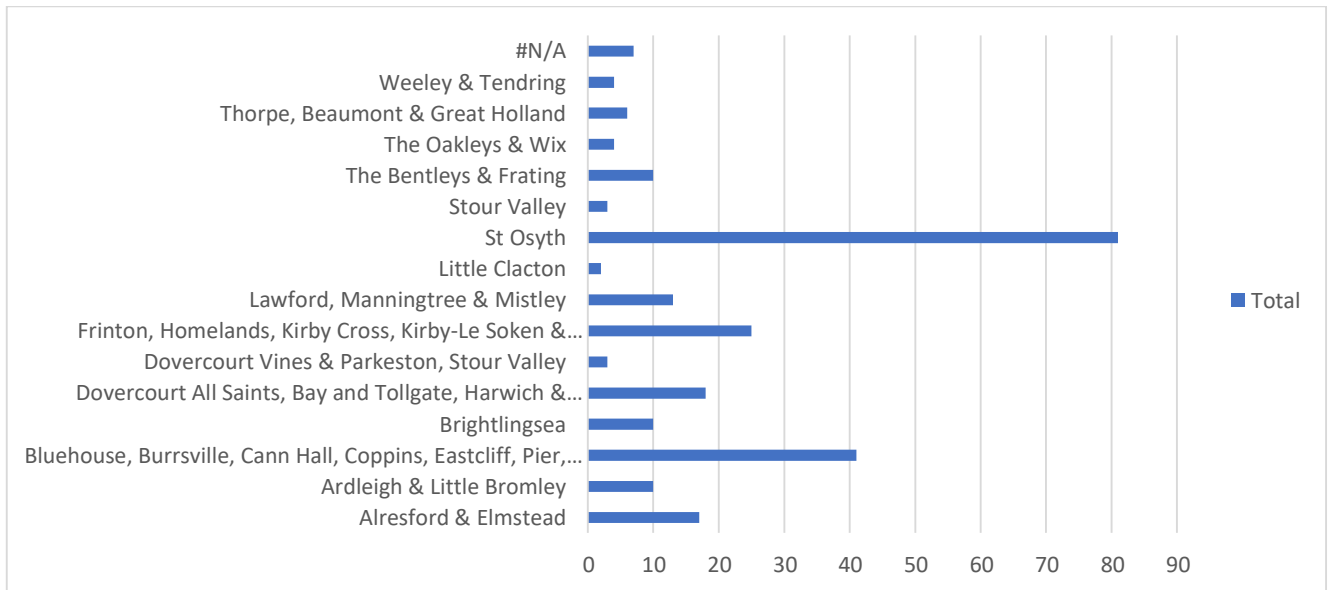
Alleged Breach of 106 Agreement
Alleged Breach of Article 4
Alleged Change of use of Land
Alleged Breach of Condition/s
Alleged Breach of Occupancy Condition
Alleged Unauthorised Advertisement
Alleged Unauthorised Building Works
Alleged Unauthorised Engineering Works
Alleged Works to Listed Building
Alleged Untidy Site
Alleged Repair Notice Required
Alleged High Hedge/s
Alleged Works to TPO Tree

Electoral ward

The following is the number of current enforcement cases divided by Ward. This is translated into a graph further down.

WARD	Number of Enforcement Cases
Alresford & Elmstead	17
Ardleigh & Little Bromley	10
Bluehouse, Burrsville, Cann Hall, Coppins, Eastcliff, Pier, St Batholomews, St James, St Johns, St Pauls, West Clacton & Jaywick Sands	41
Brightlingsea	10
Dovercourt All Saints, Bay and Tollgate, Harwich & Kingsway	18
Dovercourt Vines & Parkeston, Stour Valley	3
Frinton, Homelands, Kirby Cross, Kirby-Le Soken & Hamford, Thorpe, Beaumont & Gt Holland, Walton	25

Lawford, Manningtree & Mistley	13
Little Clacton	2
St Osyth	81
Stour Valley	3
The Bentleys & Frating	10
The Oakleys & Wix	4
Thorpe, Beaumont & Great Holland	6
Weeley & Tendring	4
N/a	7



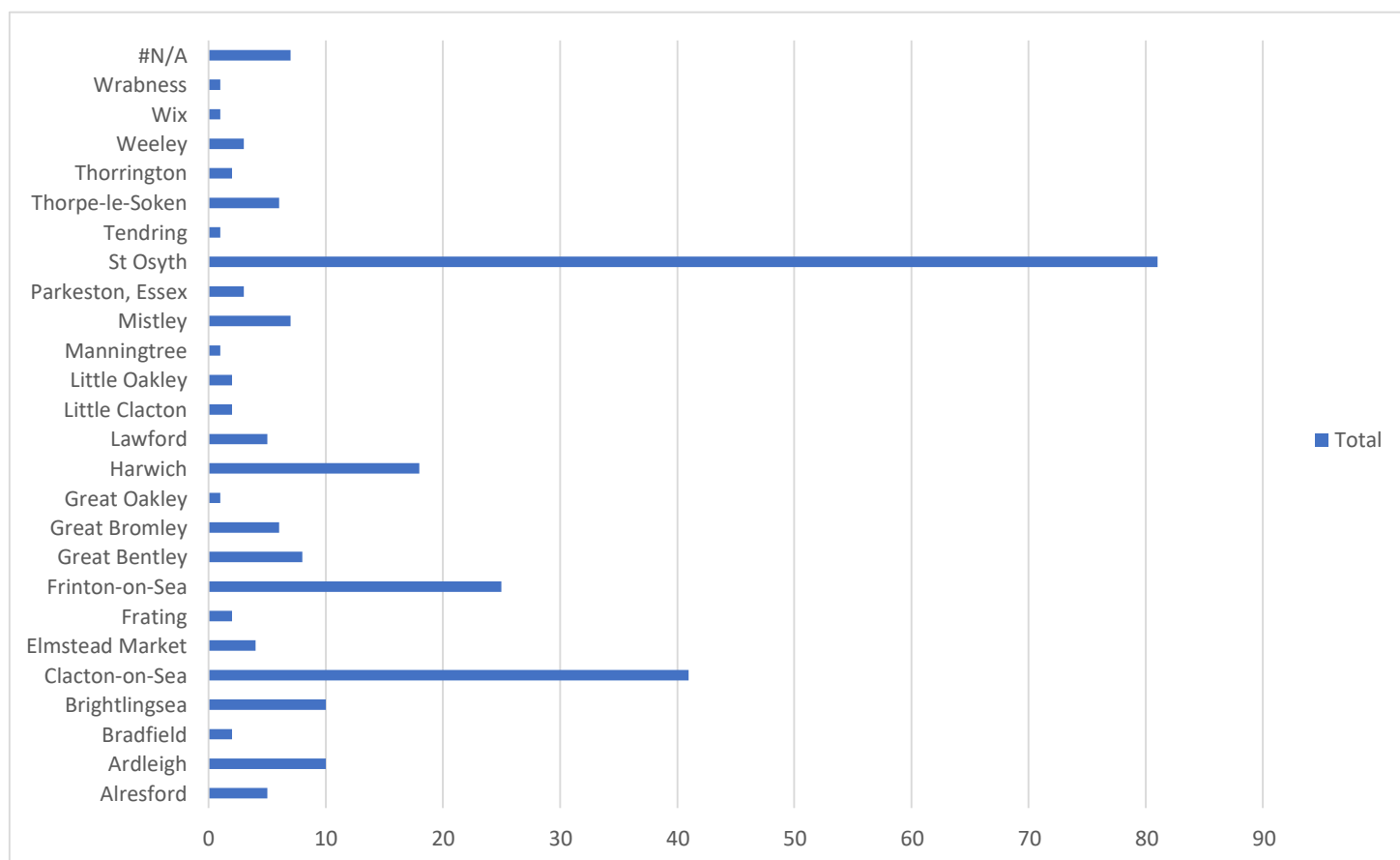
N/a (Being processed at time of data collection)

Parish

The following is the number of enforcement cases divided by Parish with graph below.

Parish	No of Enforcement Cases
Alresford	5
Ardleigh	10
Beaumont-cum-Moze	2
Brightlingsea	10
Clacton-on-Sea	41
Elmstead Market	4
Frating	2
Frinton-on-Sea	25
Great Bentley	8
Great Bromley	6
Great Oakley	1
Harwich	18
Lawford	5
Little Bentley	2
Little Clacton	2
Little Oakley	1

Manningtree	7
Mistley	3
Parkeston, Essex	81
St Osyth	1
Tendring	6
Thorpe-le-Soken	2
Thorrington	3
Weeley	1
Wix	1
Wrabness	7
#N/A	7



Enforcement-related appeal decisions.

We have 9 live enforcement appeals at the time writing this report

APPEAL REF	ADDRESS	NATURE	APPEAL LODGED
22/00034/ENFORC	Jaywick	Extension on the front and a large extension on the rear of building.	01/08/2022
22/00037/ENFORC	Jaywick	Stationing of Caravan water and sewage connected to caravan illegally. Being used as main residence.	31/08/2022
22/00042/ENFORC	Manningtree	Running a commercial business from residential property.	15/09/2022

22/00043/ENFORC	Ardleigh	Storage/plant construction yard at Goodhall Farm continuing to be used by TG RAM. The owner of the land was required to seek planning permission for this activity, which he failed to do.	15/09/2022
22/00047/ENFORC	Clacton on Sea	The erection of a double garage and associated hardstanding in front of the dwelling house (2 Lancaster Gardens East), fronting a highway in a specially designated area.	03/10/2022
22/00048/ENFORC	St Osyth	Change of use for residential caravans and possible building of new dwelling.	06/10/2022
22/00054/ENFORC	Tesco Express, Manningtree	Installation of an air conditioning unit without planning permission.	18/10/2022
23/00001/ENFORC	Clacton on Sea	Alleged change of use from residential care home (C2) to hostel for asylum seekers (sui generis), also possible building works. (Includes 42-46 Old Road)	13/01/2023
23/00015/ENFORC	Weeley	Unauthorised traveller/gypsy and further operational development	21/03/2023

RECOMMENDATION – That the Committee notes the contents of this report.