

PLANNING COMMITTEE

6th December 2023

REPORT OF THE DIRECTOR OF PLANNING

Planning Enforcement Report

No information in this report is considered to be confidential. 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 **6th December 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 continue not to be available given the available resource to export information from the available system or as addressed directly below. Replacement of Microsoft Access as the main reporting tool are being explored, including the introduction of Power BI that would allow instant ability to seek information on live and historic cases.

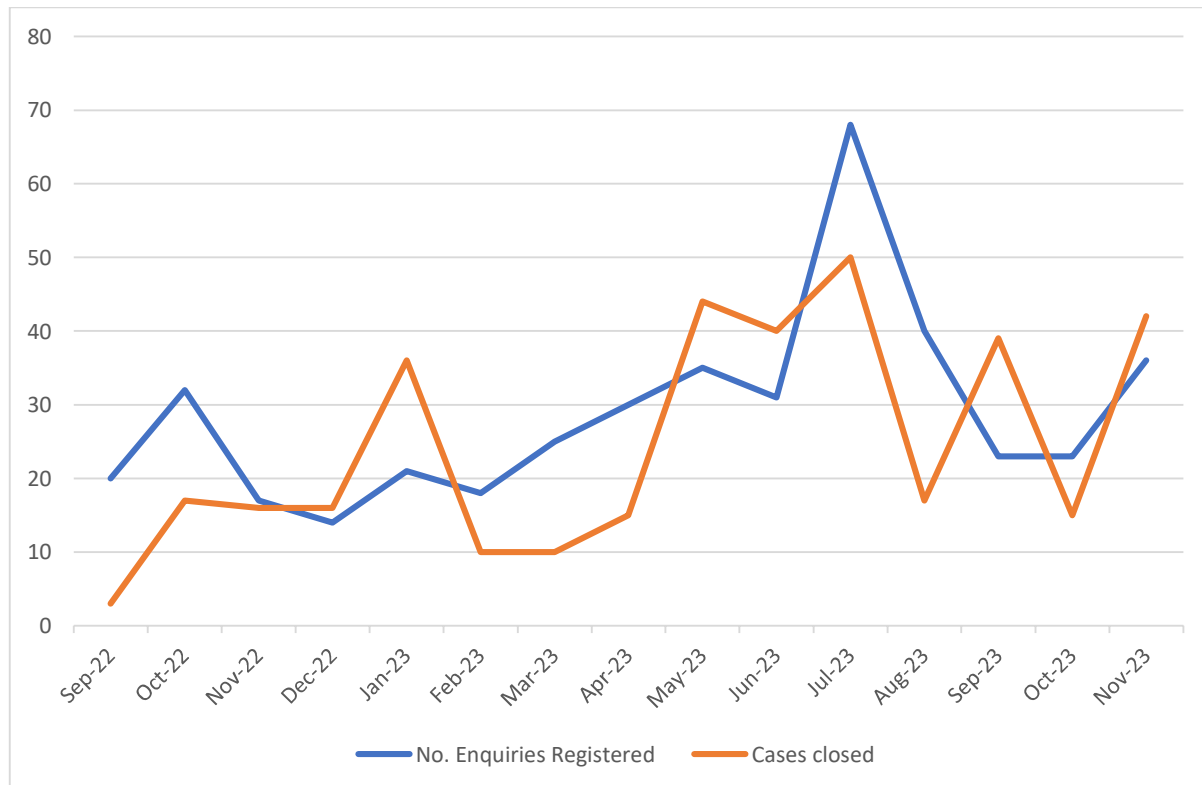
Number of enforcement complaints received/registered in the quarter +, number of cases closed in the quarter + and number of acknowledgements within 3 working days.

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
Jun-23	2023	31	31	40
Jul-23	2023	68	68	50

Aug-23	2023	40	40	17
Sep-23	2023	23	23	39
Oct-23	2023	23	23	15
Nov-23	2023	36	36	42

New Enquiries and Cases Closed (Graph of information above).

Graph includes earlier data not shown on the table above.



1. Enquiries Registered:

- The number of inquiries registered varies each month, ranging from 18 to 68.
- Overall, there is an observable increase in the number of inquiries from the beginning to the middle of the year, with a peak in July due to the Jaywick project for untidy sites.

2. Enquiries Registered within 3 Working Days:

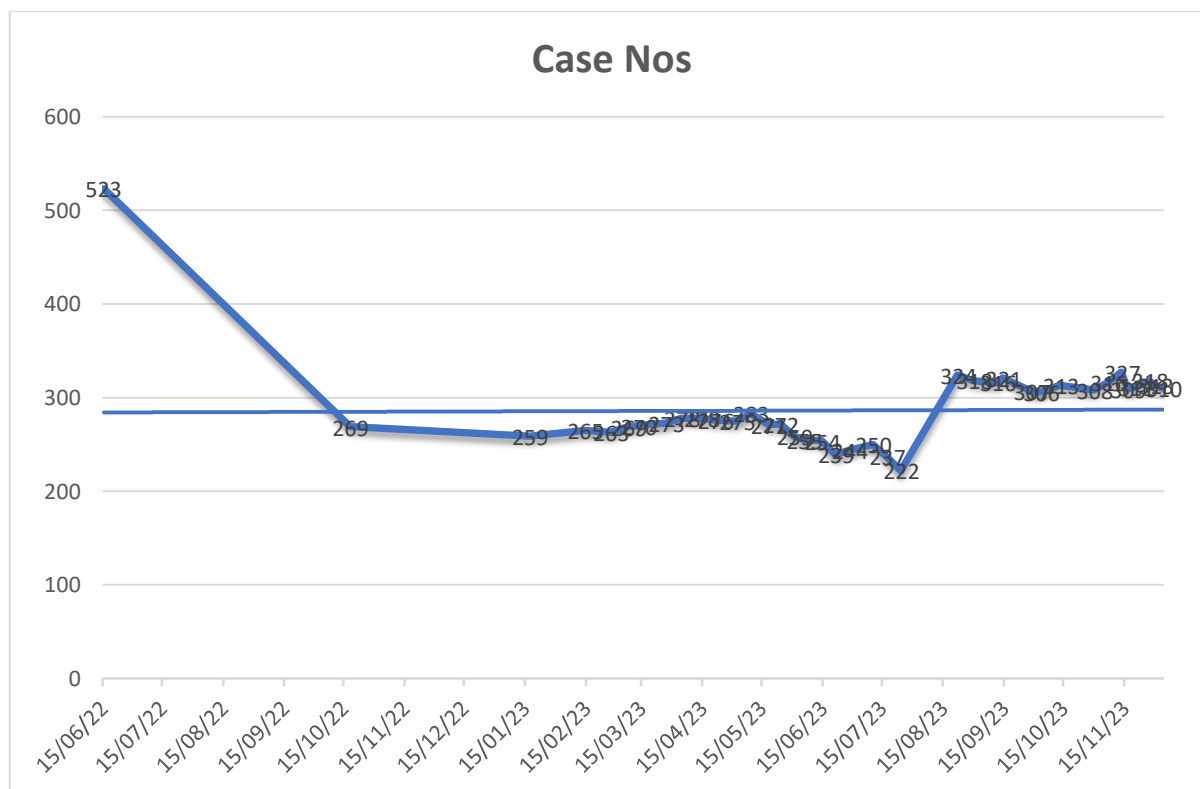
- The data shows that all inquiries were registered within 3 working days across all months, indicating a timely response to new cases.

3. Cases Closed:

- The number of cases closed ranges from 10 to 50 per month.
- Notably, there is an increase in cases closed from July onwards, with the highest number of cases closed in July. This may in part due to early success within the Jaywick project.

Overall:

The team consistently meets the target of registering inquiries within 3 working days, reflecting a commitment to timely responsiveness. It is noted that despite record closures we also have continued increases in new alleged enforcement enquiries. These do significantly exceed the numbers being closed during the summer, but that is mostly explained by the Jaywick Enforcement project that added around an average of 60 new cases over a few weeks to the workload. However, if you average out this year to date it is around 28 cases closed and 31 new cases each month. This jump of the Jaywick project also reflects and influences the ongoing total case numbers and other stats considered below.



As demonstrated above there was a significant decline in numbers of enforcement cases until August and with the addition of Jaywick cases the numbers jumped and remained steady since around 310 to 320. At the time of writing the number of cases is 310.

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

At this time harm assessments are used twice for new cases when first created and updated or created for the conclusion of all cases. Harm assessments are stored in Idox and need to be manually counted. It is understood these are all completed within 20 days and the updated harm assessment through Member review has been implemented.

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

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 within a couple of days. On this occasion one of these has been captured in the data taken for this report.

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. N/a means not assessed yet as these are new cases.

P2AMB	11
P2RED	2
P3AMB	45
P3GRE	226
P4GRE	1
P1AMB	2
N/A	2
P2GRE	15
P1GRE	6
Grand Total	310

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. A new reporting tool has been requested that may assist, but not yet installed or set up. It can be established that 281 initial visits that took place since January 2023, but the total number of visits as there would be subsequent visits can not be counted without manual checks. Also from random sampling all initial visits were within 20 days of the complaint.

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. Taken a sample of cases in writing this report, all cases reviewed have achieved an update before day 21.

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 the Council seek to meet the entire requirement of the policy that over a hundred updates a week need to be issued. In the next review of the Enforcement policy this will be sought to be amended, for example to require update letters for the first two months only (every 21days) and thereafter only if significant change in the investigation and closure.

Related to this requirement, two suggestions have been made to the task and finish group and are being taken forward now. The engagement of regular updates to Members (a weekly list of enforcement cases) and Public Access online to be engaged to enable the public to self-serve. 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 310 Live Cases at the time of writing this report.

Time Period since receipt.

Age	No of Cases (14 th June)	No of Cases 6 th December
Year 1	73	167
Year 2	69	40
Year 3	21	12
Year 4	5	5
Year 5	4	4
Year 6	4	4
Year 7	49	49
Year 8	4	4
Year 9	1	1
Year 10	1	1
Year 11	2	2
Year 12	20	20
Year 13	1	1

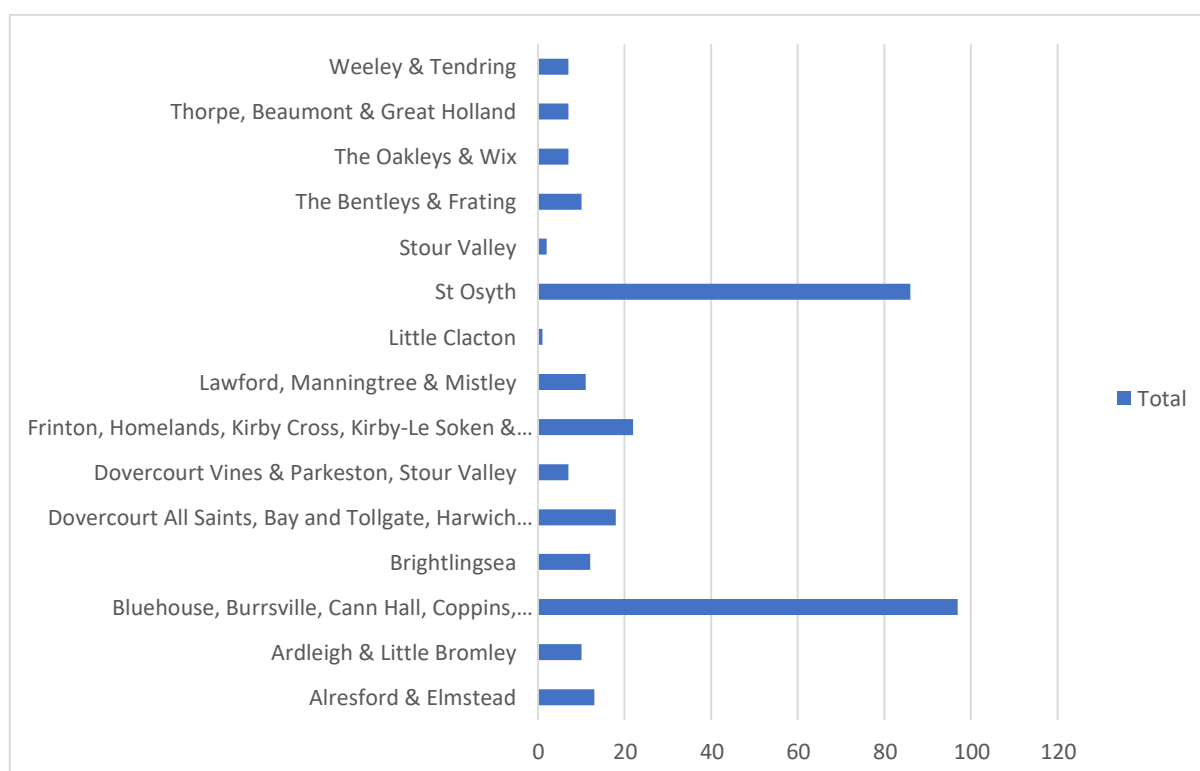
Category

Alleged breach of condition	70
Alleged breach of occupation condition	53
Alleged building works	38
Alleged change of use	45
Alleged Non-Compliance with approved plans	13
Alleged unauthorised advert	5
Alleged Unauthorised Engineering Works	2
Alleged Untidy Site Jaywick S215	58
Alleged Untidy Site S215	10
Alleged works to a protected tree	3
Alleged works to Listed Building	5
Alleged Non-Compliance with Section 106	3
Old Type Reference	1
Alleged change of use to HMO	4

Electoral ward

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

Alresford & Elmstead	13
Ardleigh & Little Bromley	10
Bluehouse, Burrsville, Cann Hall, Coppins, Eastcliff, Pier, St Batholomews, St James, St Johns, St Pauls, West Clacton & Jaywick Sands	97
Brightlingsea	12
Dovercourt All Saints, Bay and Tollgate, Harwich & Kingsway	18
Dovercourt Vines & Parkeston, Stour Valley	7
Frinton, Homelands, Kirby Cross, Kirby-Le Soken & Hamford, Thorpe, Beaumont & Gt Holland, Walton	22
Lawford, Manningtree & Mistley	11
Little Clacton	1
St Osyth	86
Stour Valley	2
The Bentleys & Frating	10
The Oakleys & Wix	7
Thorpe, Beaumont & Great Holland	7
Weeley & Tendring	7



Parish

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

Ardleigh	10
Beaumont-cum-Moze	1
Brightlingsea	12

Clacton-on-Sea	97
Elmstead Market	2
Frating	3
Frinton-on-Sea	22
Great Bentley	6
Great Bromley	5
Harwich	18
Lawford	7
Little Bentley	1
Little Clacton	1
Manningtree	2
Mistley	2
Parkeston, Essex	7
St Osyth	86
Tendring	5
Thorpe-le-Soken	6
Weeley	2
Wrabness	1
Alresford, Essex	6
Wix, Essex	3
Bradfield, Essex	1
Little Oakley, Essex	3
Great Oakley, Essex	1

Enforcement-related appeal decisions.

We have 8 live enforcement appeals at the time writing this report

Appeal Reference	Parish	Nature	Appeal	Current status
22/00034/ENFORC	Jaywick	Extension on the front and a large extension on the rear of building.	01/08/2022	SITE VISIT DATE ARRANGED BY PINS
22/00037/ENFORC	JAYWICK	Stationing of Caravan water and sewage connected to caravan illegally. Being used as main residence.	31/08/2022	SITE VISIT DATE ARRANGED BY PINS
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	15/09/2022	No further updates, still awaiting case progression

		permission for this activity, which he failed to do.		
22/00048/ENFORC (joint appeal 3309012 / 3308415)	St Osyth	Change of use for residential caravans and possible building of new dwelling.	06/10/2022	No further updates, still awaiting case progression
22/00054/ENFORC	Tesco Express, Manningtree	Installation of an air conditioning unit without planning permission.	18/10/2022	No further updates, still awaiting case progression
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	Public Inquiry to be held at the townhall on the 9 th May 2024
23/00015/ENFORC	Weeley	Unauthorised traveller/gypsy and further operational development	21/03/2023	No further updates, still awaiting case progression

It should be noted that we have been in contact with PINS regarding all appeals and they have stated that currently there is still a large back log with planning enforcement appeals as they have to prioritise cases, this is now meaning that appeals are currently running between 18 month to 2 years potentially before an appeal decision could be issued.