

Q Square

Enforcement Appeal Statement of Case

(REF 23/3314670)

42-46 Old Road and 107-111 Pier Avenue, Clacton

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Appendix I Enforcement Notice

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Date: 22nd March 2023

1. Introduction

- 1.1 This Statement sets out the Appellant's, Wyldfield Homes Ltd, case in relation to a Section 174 appeal against an Enforcement Notice (EN) issued and served by the Tendring District Council (the 'Council') in respect of an alleged breach of planning control at 42-46 Old Road and 107-111 Pier Avenue, Clacton, (the 'Site'). A copy of the EN is attached as **Appendix I** for ease.
- 1.2 Section 3 of the Notice states that the alleged breach of planning control is;
- a) Without planning permission, the material change of use of the Land from use as a residential care home (Use Class C2) to use as a hostel (Use Class Sui Generis).
- 1.3 In Section 4 of the Notice, the Council sets out the reasons for issuing the Notice. A summary of the reasons for issuing the notice is that in the Council's opinion the current operation results in the loss of an existing care home and it has not been demonstrated that it is no longer economically viable. Furthermore, conflict with the NPPF is asserted, primarily, in the form of the loss of the care home but also the potential vulnerability of the occupiers.
- 1.4 The Notice asserts that the matters the subject of the Notice are contrary to Policy LP10 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework'. The relevance and application of these Policies will be discussed in detail in the forthcoming Statement of Case.
- 1.5 The Notice requires;
- i. Cease the use of the Land as a hostel (sui generis use) and remove any equipment brought on to the Land for such purposes.
- 1.6 The effective date of the Notice is 17th January 2023.
- 1.7 The Appellant submitted an appeal against the Notice on 19 December 2022 and is appealing on Grounds (a), (b), (c), (f) and (g) of section 174 to the Town and Country Planning Act 1990 (as amended) ('the Act').
- 1.8 The Ground (b) appeal disputes that the alleged change of use has occurred as a matter of fact. The current use of the Site remains as a care home.
- 1.9 The Ground (c) appeal is that if it is considered that any change of use has occurred, this has not resulted in a material change of use and therefore, there is no breach of planning control. The Council is therefore incorrect to allege the site is being used as any form of development, as defined by S.55 of the TCPA which is in breach of planning control.

- 1.10 In the circumstance that the Ground (b) and Ground (c) appeals fail, the Ground (a) appeal seeks planning permission to retain the development already carried out: i.e. the material change of use of the Land from use as a residential care home (Use Class C2) to use as a hostel (Use Class Sui Generis). The loss of the care home, will be evidenced, as being in accordance with the Development Plan and the use of the Site as a hostel will result in no demonstrable harm in planning terms. Notwithstanding this, material considerations weigh heavily in favour of the proposal that overcome any harm identified by the Inspector.
- 1.11 The Appellant considers that the requirement to “*remove any equipment brought onto the Land for such purposes*” are onerous because the use of the Site for a residential institution is lawful. Thus, to require equipment brought onto the Land to facilitate a hostel use to be removed from the Land when the lawful use provides habitable accommodation is unclear and imprecise. This is the basis for the Ground (f) appeal.
- 1.12 Should the above Grounds fail then it is requested that the time for compliance with the EN is extended via the Ground (g) appeal to an 18-month period in order for appropriate accommodation to be found for the current residents.
- 1.13 The Appellant is in the difficult position of bringing forward their Statement of Case without being witness to the Officer's Report seeking authorisation to serve the EN. This report presumably would have provided a more detailed and thorough analysis of the Council's reasoning for serving the EN, including conflict with adopted policy, assessment of the current use and the balancing act required for determining the expediency of taking enforcement action. Unfortunately, whilst the Appellant requested a copy of the Officer's Report both in December 2022 and more recently, the Council, at this time, have refused to provide the Appellant with a copy. This approach is considered to be unhelpful and unreasonable and has resulted in this document being produced in the context of limited understanding as to the reasons for the Council issuing the EN.
- 1.14 This Statement of Case has been prepared having regard to the National Planning Policy Framework (July 2021), Planning Policy Guidance, the Development Plan and supplementary documents.

2. Site Description and Relevant Background Including Planning History

- 2.1 The Site is made up of a number of buildings spread across 42-46 Old Road and 107-111 Pier Avenue which operated lawfully as a 55 room residential care home (C2 use). Previous Officer Reports for planning applications on the Site have accepted that the Land has been in use as a care home for some time.
- 2.2 Two buildings face on to Pier Avenue are currently in use for residential care accommodation and associated facilities, as are two larger buildings to the rear. These buildings have been refurbished by the Appellant prior to the current occupation. The property facing on to Old Road is currently fenced off and is vacant and this building has not been refurbished.
- 2.3 The site also contains a number of outbuildings, some of which are in use and some of which are not. Generally, these buildings, internally, are in need of renovation and improvement.
- 2.4 A review of the Council's planning files reveals a number of relevant recent applications, which are detailed below;

Site Address	Council Ref;	Description of Development	Determination Date	Decision
42 Old Road	04/01864/FUL	Erection of new 7 bed unit for C2 use including demolition of exiting building	11 th November 2004	Approved with conditions
11 Pier Avenue	06/00448/FUL	Part demolition of part of exiting residential care home and construction of 6 bed stand alone care home including remodelling and extension to existing to accommodate 10 residents.	8 th May 2006	Approved with conditions
107 Pier Avenue	06/01274/FUL	Alterations and additions and change of use to form residential care home, C2 use for 5 residential and suppose facilities.	4 th October 2006	Approved with conditions

11 Pier Avenue	09/00393/FUL	Change of Use from mixed D1 and C2 to C2 including extension and internal work to form 7 new beds and associated facilities.	19 th June 2009	Approved with conditions
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Table 1 – Relevant Planning Decisions

- 2.5 To the Appellant's knowledge, there is no other relevant planning applications, planning decisions or enforcement action relating to the Site beyond that outlined above.
- 2.6 The Site operates lawfully as a Care Home (Class C2) and the principle of which has been accepted over a number of planning application. To the Appellant's knowledge, there is no restrictive conditions, e.g. an age restriction, imposed upon the use of the buildings.

3. Planning Policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that *'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.

The National Planning Policy Framework

- 3.2 The Government issued a revised version of the National Planning Policy Framework ('NPPF') in July 2021. At its heart there remains *"a presumption in favour of sustainable development"* (paragraphs 10 and 11)
- 3.3 A significant boost in the supply of homes is a clear objective of Government planning policy, as is meeting the needs of groups with specific housing requirements (paragraph boost 59).
- 3.4 An entire section of the NPPF is now devoted to ensuring that land is used effectively. In paragraphs 117 – 121 it is stated that planning decisions should:
- promote an effective use of land in meeting community needs, including for homes;
 - give substantial weight to the value of using suitable brownfield land within settlements for homes;
 - support the development of under-utilised land and buildings, especially where land supply is constrained and available sites could be used more effectively.
- 3.5 The efficient use of land is also advocated by Government in paragraph 122 of the NPPF. Decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting and/or of promoting regeneration.
- 3.6 Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including people who rent their homes.

The Development Plan

- 3.7 For the purposes of this appeal, the Development Plan comprises of the Tendring District Local Plan 2013-2033 and Beyond. Policy LP10 was the sole policy cited in the Enforcement Notice.
- 3.8 The Local Plan Policies Map 2018 demonstrates that the Site is subject to no designations.

LP10 – Care, Independent Assisted Living

3.9 Policy LP10 of the Local Plan explains that it is seeking to meet the care needs of future generations and generate growth in the care, independent and assisted living sector. The policy predominately talks to planning applications for the provision of new developments of this time.

3.10 In relation to the loss of an existing care home it states:

"Development that would result in the loss of all, or part, of an existing care home will not be permitted unless the applicants can demonstrate, with evidence, that the site or premises are no longer economically viable. The approach used to demonstrate that the requirements of this policy have been met may vary from site to site and so must be agreed between the Council and the applicant in advance of any planning application being submitted."

4. Appellants Grounds of Appeal

Ground (a)

- 4.1 Depending on the conclusions reached regarding the Section 174 Ground (b) and (c) appeals, the Appellant considers that planning permission should be granted for the use of the Land as a hostel (Sui Generis).
- 4.2 Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Appellant will demonstrate that the circumstances of the case do not justify the reason for issuing the EN and therefore, permission ought to be granted.
- 4.3 The reasons for issuing the EN raise the following issues: :
- Unjustified loss of a of residential care home which conflict with Local Plan Policy LP10;
 - Potential vulnerability of the occupiers; and
 - Issue of crime in the area
- 4.4 The Appellant contests these contentions , but in any case, considers that material considerations exist that weigh in favour of allowing the appeal, quashing the EN and granting planning permission for the development, subject to conditions.
- 4.5 The LPA allege in the EN that the unauthorised change of use has resulted in the loss of the existing residential care home (C2 Use) and the use of the Site now as a hostel (sui generis). As the loss of the care home has not been authorised through a planning approval the development conflicts with Policy LP10 of the adopted Local Plan and the NPPF.

Conflict with Policy LP10

- 4.6 The Council's adopted policy (LP10) does not have an in principal objection to the re-use of care homes, subject to evidence that the Site is no longer economically viable.
- 4.7 It is noted that the Policy does state *"The approach used to demonstrate that the requirements of this policy have been met may vary from site to site and so must be agreed between the Council and the applicant in advance of any planning application being submitted"*. As this is a ground (a) deemed application, it falls to the inspector to consider the issues as part of a typical planning balance exercise that the Inspector will be more than skilled in undertaking.
- 4.8 The Appellant has undertaken some internal improvements to the quality and appearance of a number of buildings since acquiring the Site. However, a number of the rooms within these

refurbished buildings, as well as the building that faces on to Old Road and a number of the outbuildings are still in need of refurbishment and/or are not fit for use.

- 4.9 Guidance on minimum standards for care homes is provided in Department of Health; *Care homes for older people - National Minimum Standards Care Homes Regulations* and apply to all care homes providing accommodation and nursing or personal care for older people. These standards are designed to ensure the protection of service users and safeguard and promote their health, welfare and quality of life.
- 4.10 The floor area of the rooms does not meet the required space standards. The Site is occupied by a number of buildings spread across the Site but access between the buildings is poor. Furthermore, the internal layout of the building does not easily lend itself to simple internal works to provide an up to date and fit for purpose accommodation. These matters would likely need to be addressed for a care home operator to consider acquiring or leasing the property or occupying the Site. It is not considered that Site can provide a viable care home in the future. Indeed, if and when the current operation expires, it is considered unlikely that a care home operator would occupy the Site unless substantial work was undertaken to the existing building, most likely requiring the demolition of the existing building and a new build care home being delivered. Notwithstanding this, it is not considered that the redevelopment of the Site for a care home would be financially viable. Evidence will be provided to support this statement.
- 4.11 It is not considered that an objection to the use of the site for a use outside of C2 could be reasonably raised by the Council based on a hope that the theoretical redevelopment of the Site for a care home would come forward and also would be acceptable in planning terms.

The lack of alternative accommodation

- 4.12 Currently the most up to date 'evidence' base for the Council's housing need is an update to the SHMA (dated 2015), this document is almost a decade old and is out of date. Since the adoption of this document Government advice and guidance in relation to meeting the need of housing the aging population has significantly changed. Government guidance encourages the delivery of accessible and adaptable housing which enables people to live more independently this allows for the aging population to remain in their homes and take advantage of the associated benefits. Guidance has moved away from encouraging older people's homes through care homes. and it is now that there should be less care homes and more housing for older people or ways to encourage them to remain in their existing homes.

Issues of crime

- 4.13 The Council has identified that the surrounding area experiences crime and that the occupiers of the development are vulnerable individuals. Due to the Council's reluctance to share its Officer

Report, there is a lack of explanation as to this concern. Once the Council has provided further detail in respect of this point, the Appellant will consider how it responds.

- 4.14 Notwithstanding this, the site has been in operation for in excess of six months now and the Appellant is unaware of any of the residents of the property experiencing crime over this period. Unevidenced fear is not the basis for serving an enforcement notice and it is clear that the facts evidence that this concern does not hold up to interrogation.
- 4.15 The Appellant does not consider that the development results in harm in planning terms. However, if the Inspector disagrees with this stance and considers that there is a potential for even a small degree of harm from the development than these can be mitigated through the imposition of reasonable planning conditions.

Material Considerations

- 4.16 if the Inspector is minded to find some conflict with the Development Plan then there are material considerations that weigh heavily in favour of the proposal that overcome any identifiable harm.
- 4.17 It is an accepted point of planning law that any *consideration which relates to the use and development of land is capable of being a planning consideration that could outweigh any conflict with the plan.*
- 4.18 The Appellant considers that there are persuasive material considerations that mitigate in favour of permission being granted in this case..
- 4.19 Some of the relevant material considerations are contained below and we will provide further evidence in support of them as part of the Proof of Evidence submissions:
- There is an significant and urgent identified need for good quality accommodation for asylum seekers. This even more so for accommodation for asylum seekers needing care;
 - The lack of accommodation is a matter of public knowledge and it would cause hardship to the occupants and prospective occupants if the use was not permitted;
 - The re-use of a Site which was, until its current occupation, vacant and underutilised;
 - The 'fallback' position for the use of the Site is as an unrestricted care home. The impacts of current operation are broadly consistent and comparable to those of a residential care home.
- 4.20 It is accordingly requested that the Inspector allows the Ground (a) appeal, grants planning permission for the development subject to conditions and quashes the EN in its entirety.

4.21 It is also considered that refusal of the appeal would be a disproportionate interference with the occupants' human rights and further a breach of the public sector equality duty.

4.22 The Ground (a) appeal is progressed without prejudice to the Ground (b) appeal submission,

Ground (b)

4.23 The Enforcement Notice requires the cessation of the use of the land as a hostel (sui generis); based on the LPA's allegation that the current use of the Site is no longer a care home (Use Class C2).

4.24 The Appellant disputes that a change of use from a residential care home (Use Class C2) to a hostel (Sui Generis) has occurred as a matter of fact. Accordingly, an appeal under Ground (b) is made – the allegation that use of the Site has migrated from a C2 use to a hostel is incorrect, and so the alleged breach of planning control has not occurred as a matter of fact and degree.

4.25 The 'Use classes Order defines a C2 Use as a Residential Institution and this includes uses such as Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

4.26 It is accepted that C2 uses are relatively broad in nature and generally includes residential accommodation with elements of care being provided to people in need of it. Furthermore, the level of care required for the use to fall within C2 is a relatively low level.

4.27 The use of the Site has been as a care home for some time. The operation of the entire Site has developed over the lifetime of the use with permission being provided for the care operation to continue expanding and growing.

4.28 In this instance, having regard to the nature of the use the Site has remained as a residential institution (Use Class C2) and has not changed to a hostel (Sui Generis).

4.29 The site continues to accommodate those in need of care and the mere fact that the occupants are asylum seekers does not result in a change of use. The site remains in use in the same manner that it has always been save that the occupants are asylum seekers.

4.30 The residents of the Site all have specific needs or risk all fall within the definition of G.1.2 set out in Annex G of Schedule 2 of the Contact. This states:

"G.1.2 unable to take care of themselves or unable to protect themselves against significant harm or exploitation"

4.31 Whilst the level of care required varies significantly between the individuals a bespoke package, delivered by Government/other agencies, is provided for each resident. This care package is designed for their individual needs.

- 4.32 The only exemption to the point above would be if there was a restriction, by way of a planning conditions or section 106 agreement, that restricts the lawful to a subsection of the C2 use/ However, the Appellant are no such restrictions in this case and there is no limitation on the type of care or nature of occupant who may receive care.
- 4.33 A simple examination of the use of the site and the personal circumstances of those residing on site, that goes beyond the title of asylum seeker, shows the use of the Land remains as a residential institution. Therefore, Appellant's conclusion is that the matters alleged in the notice have not occurred as a matter of fact.
- 4.34 Within the Proofs of Evidence, more information as to the manner in which the accommodation operates to demonstrate that the use of the site as a residential care home has continued will be provided.
- 4.35 Consequently, it will be contended that the appeal should succeed on Ground (b).

Ground (c)

- 4.36 The Council contends that a material change of use from a residential care home (Use Class C2) to a hostel (Sui Generis) has occurred.
- 4.37 The Appellant does not agree that there has been any material change of use from a residential care home (Use Class C2) to a hostel (Sui Generis).
- 4.38 Paragraph 011 of The Planning Practice Guidance states:
- "A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case."*
- 4.39 In the event that the Inspector considers that a change of use has occurred due to the current operation, the Appellant considers that there has not been a 'material' change of use.
- 4.40 This is because nature of the the use taking place on site is directly comparable to that of a residential institution.
- 4.41 As part of the Proof of Evidence, a robust assessment and comparison between the lawful use and the current use will be provided to demonstrate that there has been no material change of use, including a detailed explanation of the current operation.

- 4.42 It would appear that the Council's assessment of whether a material change of use has occurred or not seems to simply be based on the character of the residents. The Appellant considers that this is a flawed approach and that the character of the use occurring needs to be considered against the lawful use to determine whether any material change of use has occurred.
- 4.43 Whilst the occupiers of the Site have changed since the previous operation and they are now asylum seekers, the character of the use still falls within a C2 Use. The Site is providing accommodation and care to asylum seekers within the scope of the relevant planning permissions. Whilst the residents are asylum seekers, they are not individuals of 'general need' housing. The occupiers are specifically allocated accommodation at the Site due to their specific personal circumstances and need of additional care, i.e. disabled, wheelchair bound or in need of other special care arrangements.
- 4.44 The current use has not resulted in any change to the character of the use when compared to the lawful care home use. There are no onsite or offsite impacts that would indicate any material change of use has occurred.
- 4.45 In the circumstances, Ground (c) should succeed and the notice be quashed on this ground.

Ground (f)

- 4.46 In the event that the EN is upheld, the requirements of the EN exceed what is required to remedy the breach of planning control. In the context of the fallback position, lesser steps would overcome the objections to the development.
- 4.47 Specifically, if the Inspector concludes contrary to the Appellant's position on either Grounds (a), (b) and (c) and agrees with the Council that the use of the Land has resulted in a material change of use from a Class C2 use to a Hostel (*sui generis*) the requirement to "*remove any equipment brought onto the Land for such purposes*" is clearly excessive.
- 4.48 It is clear that both a residential care home and a hostel are uses that are residential in nature. Furthermore, due to the delivery method of the residential accommodation there will be some ancillary features that will be more commercial in nature than in a C3 use e.g. reception, office, store room etc.
- 4.49 The unclear and imprecise nature of the wording has resulted in the Appellant having to assume that the requirement requires equipment to be removed from the Land that would be reasonably required and necessary for lawful use is residential in nature.

- 4.50 The Appellant is unable to come to any reasonable conclusion as to what equipment has been brought to the site that would specifically relate to the alleged hostel use that would not be present for a C2 use.
- 4.51 The wording of the notice leaves the Appellant in the unenviable position of, if the EN is upheld, having no way of reasonably knowing if it has complied with the notice or not. Furthermore, as the EN would sit in perpetuity on the Land there would be no tenable position for a future operative to comfortably know whether the Council would look to take enforcement action because they opined a singular piece of equipment was not appropriate for a C2 use and sat more comfortably with a hostel.
- 4.52 Therefore, the steps required to comply with the Notice exceed what is necessary to remedy any breach of planning control.

Ground (g)

- 4.53 The occupiers of the Site are firstly asylum seekers and therefore, do not have access to market housing. Furthermore, the people residing at the Site are placed here due to the specific and personal need for care.
- The compliance period contained within the Enforcement Notice is that of two months. The Council appears to not have considered the above issue, namely the personal circumstances and physical needs of the individuals housed within the Site.
- 4.54 The residents, as they are asylum seekers, do not have access to market housing and the opportunities to relocate are very limited. This will only be exacerbated by the specific needs of the residents. There is an acknowledged shortfall in appropriate accommodation for asylum seekers let alone when the individuals require some level of care.
- 4.55 It will be impossible for the formal and complex legislative process for relocating the occupiers of the properties to be met within a two month period. Therefore, taking in to account the challenging nature of relocating the highly vulnerable residents it is considered that a compliance period of 18 months would be more appropriate.
- 4.56 Whilst it is accepted that 18 months may seem a generous period for compliance, the occupiers of the Site are by definition vulnerable and have had difficult pasts. Putting additional pressure and stress, whilst they are going through the process of applying for asylum, appears inhuman and it is considered that a pragmatic and balanced approach to the time period for compliance is totally reasonable and fair in this specific case.

4.57 At the Proof of Evidence stage further evidence regarding the need for asylum accommodation will be provided, as well as justifying the timeframe outlined by the Appellant.

5. Conclusion

- 5.1 This Statement of Case is submitted in respect of the Council's decision to issues an in respect of an alleged breach of planning control at 42-46 Old Road and 107-111 Pier Avenue, Clacton.
- 5.2 Section 3 of the Notice states that the alleged breach of planning control is;
- "Without planning permission, the material change of use of the Land from use as a residential care home (Use Class C2) to use as a hostel (Use Class Sui Generis)."*
- 5.3 The Notice requires;
- "Cease the use of the Land as a hostel (sui generis use) and remove any equipment brought on to the Land for such purposes."*
- 5.4 The effective date of the Notice is 17th January 2023.
- 5.5 The Appellant wishes to challenge the EN and is appealing on Grounds (a), (b), (c), (f) and (g) of section 174 to the Town and Country Planning Act 1990 (as amended) ('the Act').
- 5.6 The Ground (b) appeal disputes that the alleged change of use has occurred as a matter of fact. The current use of the Site remains as a care home.
- 5.7 The Ground (c) appeal is that if it is considered that any change of use has occurred, this has not resulted in a material change of use and therefore, there is no breach of planning control. The Council is therefore incorrect to allege the site is being used as any form of development, as defined by S.55 of the TCPA which is in breach of planning control.
- 5.8 In the circumstance that the Ground (b) and Ground (c) appeals fail, the Ground (a) appeal seeks planning permission to retain the development already carried out: i.e. the material change of use of the Land from use as a residential care home (Use Class C2) to use as a hostel (Use Class Sui Generis). The loss of the care home, will be evidenced, as being in accordance with the Development Plan and the use of the Site as a hostel will result in no demonstrable harm in planning terms. Notwithstanding this, material considerations weigh heavily in favour of the proposal that overcome any harm identified by the Inspector.
- 5.9 The Appellant considers that the requirement to *"remove any equipment brought onto the Land for such purposes"* are onerous because the use of the Site for a residential institution is lawful. Thus, to require equipment brought onto the Land to facilitate a hostel use to be removed from the Land when the lawful use provides habitable accommodation is unclear and imprecise. This is the basis for the Ground (f) appeal.

- 5.10 Should the above Grounds fail then it is requested that the time for compliance with the EN is extended via the Ground (g) appeal to an 18-month period in order for appropriate accommodation to be found for the current residents.

6 Documents to Refer to or use in Evidence

- The National Planning Practice Guidance
- Tendring District Local Plan 2013-2033 and Beyond
- Supplementary Planning
- National Planning Policy Framework
- Plans, photographs, and maps
- Planning reports
- Correspondence between the Appellant and the Council
- Government guidance including *Care homes for older people - National Minimum Standards*
Care Homes Regulations
- BCIS data published by the RICS
- Other relevant records and documents, including those associated with the planning history
- Other relevant planning decisions including appeal decisions
- Relevant Case Law

6.1 The Appellant reserves the right to adduce additional evidence as information to rebut or counter claims and assertions made by the Council.

Q. SQUARE

Appendix I Enforcement Notice

TENDRING DISTRICT COUNCIL



ENFORCEMENT INFORMATION SHEET

- 1. YOU HAVE A RIGHT OF APPEAL AGAINST THE ENFORCEMENT NOTICE.**
- 2. NOTICE OF APPEAL MUST BE MADE IN WRITING TO AND RECEIVED BY THE SECRETARY OF STATE BEFORE THE DATE THE NOTICE COMES INTO EFFECT AS SPECIFIED ON THE NOTICE.**
- 3. NOTICE OF APPEALS MAY BE MADE BY ELECTRONIC COMMUNICATIONS.**
- 4. THE GROUNDS ON WHICH AN APPEAL MAY BE MADE ARE SET OUT IN S172 (4) BELOW.**
- 5. YOU MUST SUBMIT TO THE SECRETARY OF STATE, EITHER WHEN GIVING NOTICE OF APPEAL OR WITHIN 14 DAYS FROM WHEN THE SECRETARY OF STATE GIVES A NOTICE REQUIRING IT, A STATEMENT IN WRITING SPECIFYING THE GROUNDS OF APPEAL AND STATING BRIEFLY THE FACTS ON WHICH YOU INTEND TO SUPPORT EACH GROUND (SEE SECTION 174 BELOW.**
- 6. A LIST OF THE NAMES AND ADDRESSES OF PERSONS ON WHOM A COPY OF THE ENFORCEMENT NOTICE IS SERVED IS APPENDED TO THE ENFORCEMENT NOTICE.**

**COPY OF SECTIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
REQUIRED TO ACCOMPANY AN ENFORCEMENT NOTICE AS REQUIRED BY
REGULATION 5 OF THE TOWN AND COUNTRY PLANNING (ENFORCEMENT
NOTICES AND APPEALS) (ENGLAND) REGULATIONS 2002**

The regulations set out:-

- Expressions used in connection with enforcement**
- Time limits for the service of an Enforcement Notice**
- Issue of enforcement notice**
- The contents and effect of the Notice**
- Variation and withdrawal of Notices**
- Appeals against enforcement notices**
- Appeals: supplementary provisions**
- General provisions relating to determination of appeals**
- Grant or modification of planning permission on appeals against enforcement notices**

171A Expressions used in connection with enforcement

(1) For the purposes of this Act—

- (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,
- constitutes a breach of planning control.

(2) For the purposes of this Act—

- (a) the issue of an enforcement notice (defined in section 172); or
 - (b) the service of a breach of condition notice (defined in section 187A),
- constitutes taking enforcement action.

(3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

- (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
- (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”

(2) If, in the case of any breach of planning control, the time for issuing an enforcement notice has expired, before the coming into force of this section, by virtue of section 172(4)(b) of the principal Act (as originally enacted), nothing in this section enables any enforcement action to be taken in respect of the breach.

“172 Issue of enforcement notice

(1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—

- (a) that there has been a breach of planning control; and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

- (a) on the owner and on the occupier of the land to which it relates; and

(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state—

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173A Variation and withdrawal of enforcement notices

(1) The local planning authority may—

(a) withdraw an enforcement notice issued by them; or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice."

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

“(2) An appeal may be brought on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(3) An appeal under this section shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date.”

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing— (a) specifying the grounds on which he is appealing against the enforcement notice; and (b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section “relevant occupier” means a person who—

(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence in writing; and

(b) continues so to occupy the land when the appeal is brought.

175 Appeals: supplementary provisions

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—

- (a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - (b) specify the matters to be included in such a statement;
 - (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
- (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.
- (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

176 General provisions relating to determination of appeals

- (1) On the determination of an appeal under section 174, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the enforcement notice or for varying its terms.
- (2) On such an appeal if the Secretary of State is satisfied that to do so will not cause the appellant or the local planning authority injustice, he may—
- (a) correct any informality, defect or error in the enforcement notice; or
 - (b) give directions for varying its terms.
- (3) The Secretary of State—
- (a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
 - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- (4) If the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

177 Grant or modification of planning permission on appeals against enforcement notices

(1) On the determination of an appeal under section 174, the Secretary of State may—

(a) grant planning permission for the development to which the enforcement notice relates or for part of that development or for the development of part of the land to which the enforcement notice relates;

(b) discharge any condition or limitation subject to which planning permission was granted;

(c) determine any purpose for which the land may, in the circumstances obtaining at the time of the determination, be lawfully used having regard to any past use of it and to any planning permission relating to it.

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) Any planning permission granted by the Secretary of State under subsection (1) may—

(a) include permission to retain or complete any buildings or works on the land, or to do so without complying with some condition attached to a previous planning permission;

(b) be granted subject to such conditions as the Secretary of State thinks fit;

and section 72(1) and (5) shall apply with any necessary modifications in relation to the grant of permission under subsection (1) as it applies to a grant of permission under section 70(1).

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(5) Where an appeal against an enforcement notice is brought under section 174, the appellant shall be deemed to have made an application for planning permission for the development to which the notice relates.

“(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.”

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

RECORDED

The Occupiers
107 - 111 Pier Avenue
Clacton On Sea
Essex
CO15 1NJ

Please ask for Matt Deal
Tel: (01255) 68 6185
Fax: (01255) 686417
E-mail: mdeal@tendringdc.gov.uk

19 December 2022

Our Ref: 22/00259/CHGUS1

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY PLANNING & COMPENSATION ACT 1991)**

PLANNING ENFORCEMENT NOTICE

LAND AT: 42-46 Old Road, Clacton on Sea, Essex, CO15 1HH
107 - 111 Pier Avenue, Clacton On Sea, Essex, CO15 1NJ,

The Council has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice in view of your interest in the land. A list of names and addresses of the persons on whom a copy of the Enforcement Notice has been served is attached to the notice.

Unless an appeal is made to the Secretary of State the Enforcement Notice will take effect on 17th January 2023 and you must then ensure that the required steps for which you may be held responsible are complied with in full within the period specified in the notice.

If you wish to make an appeal against the Enforcement Notice this must be made by giving written notice of the appeal to the Secretary of State before the date specified in the Enforcement Notice as the date on which it is to take effect.

The grounds on which you may make an appeal are set out in section 174 of the Town and Country Planning Act 1990.

A summary of sections 171A, 171B and 172 to 177 of Town and Country Planning Act 1990 (including section 174) which relate to the statutory provisions concerning Enforcement Notices are contained in the enclosed "Enforcement Information Sheet".

In making an appeal against the Enforcement Notice you must submit to the Secretary of State a statement in writing specifying the grounds on which you are appealing and stating briefly the facts on which you propose to rely in support of each of those grounds.

If you want to appeal further details may be obtained from the Planning Inspectorate as set out on the enclosed leaflet from the Planning Inspectorate. It includes the ability to make an appeal electronically direct to the Planning Inspectorate.

If you wish to appeal and plead Ground 174(a) in making an appeal against the Enforcement Notice i.e. *"that planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have complied with should be discharged."* then you need to pay a planning fee of **£924.00** to Tendring District Council.

Further to the above, I draw your attention to the Planning Contravention Notice served on you at the above address on 10th November 2022. The Notice was served under Section 171C (2) and (3) of the Town and Country Planning Act 1990 and requires you to supply certain information to the Council no later than 8th December 2022, to enable it to determine if a breach of planning control is occurring.

To date, no response to the Planning Contravention Notice has been received.

It is an offence to fail, without reasonable excuse, to comply with any requirements of the Planning Contravention Notice within twenty one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to the Notice, which is false or misleading in any way. The maximum penalty on conviction of this offence is an unlimited fine.

I therefore respectfully request that you provide a response to the Planning Contravention Notice forthwith.

Yours faithfully



John Pateman-Gee
Planning Manager

Enclosures:
One copy of the Enforcement Notice
One copy of the "Enforcement Information Sheet"
One copy of "Planning Inspectorate Leaflet"

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compulsory Purchase Act 2004)

ENFORCEMENT NOTICE

Issued By: Tendring District Council ("the Council")

- 1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

- 2. THE LAND TO WHICH THE NOTICE RELATES**

Land at 42-46 Old Road, Clacton on Sea, Essex CO15 1HH and 107-111 Pier Avenue, Clacton on Sea, Essex CO15 1NJ, shown edged in red on the attached plan ("the Land").

- 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the material change of use of the Land from use as a residential care home (Use Class C2) to use as a hostel (Use Class Sui Generis).

- 4. THE REASONS FOR ISSUING THIS NOTICE.**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The current use of the Land as a hostel does not benefit from planning permission, and results in the unjustified loss of residential care home facilities and harm to the local amenity of the area.

The change of use is contrary to Policy LP10 within Section 2 of the Tendring District Local Plan 2013-2033 and Beyond ("the Local Plan") which says "*Development that would result in the loss of all, or part, of an existing care home will not be permitted unless the applicants can demonstrate, with evidence, that the site or premises are no longer economically viable.*"

To date, no evidence has been provided to the Council to demonstrate compliance with Local Plan Policy LP10.

Furthermore, Policy LP10 also provides that "*the approach used to demonstrate that the requirements of this policy have been met may vary from site to site and so must be agreed between the Council and the applicant in advance of any planning application being submitted*". To date no agreement has been sought as to the level and nature of evidence required with a planning application that would enable the Council to come to an informed determination.

Beyond the Local Plan the latest NPPF sets out a number of provisions that would be relevant to this site, but mindful of the potential vulnerability of the occupiers and known issues of crime in this area, the social aspects of sustainable development should be highlighted.

This includes (but not limited to):

Paragraph 8 b) that sets out a social objective – *“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”*;

Paragraphs 11 and 12 of the NPPF that sets out plans and decisions should be in accordance with an up to date development plan and in this matter Tendring’s Local Plan 2022 is up to date and awarded full weight. Furthermore, the local plan contains relevant policy in respect of the site subject to this notice and there are no indications that the adopted plan should not be otherwise followed;

Paragraph 62 sets out plan and decision considerations and that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”*;

Section 8 of the NPPF: Promoting healthy and safe communities is regarded as relevant as a whole and includes paragraph 97 of the NPPF that provides *“Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate.”*, and

Paragraph 130, including f) that provides planning should *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

The Council therefore considers that the change of use of the Land is contrary to the policies detailed above and in the absence of any demonstrable evidence that the loss of the care home use is justified, planning permission should not be granted.

5. WHAT YOU ARE REQUIRED TO DO

Cease the use of the Land as a hostel (sui generis use) and remove any equipment brought onto the Land for such purposes.

6. TIME FOR COMPLIANCE

Two (2) months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17th January 2023, unless an appeal is made against it beforehand.

Dated: 19th December 2022

Signed:



John Pateman-Gee
Planning Manager

22/00259/CHGUS1

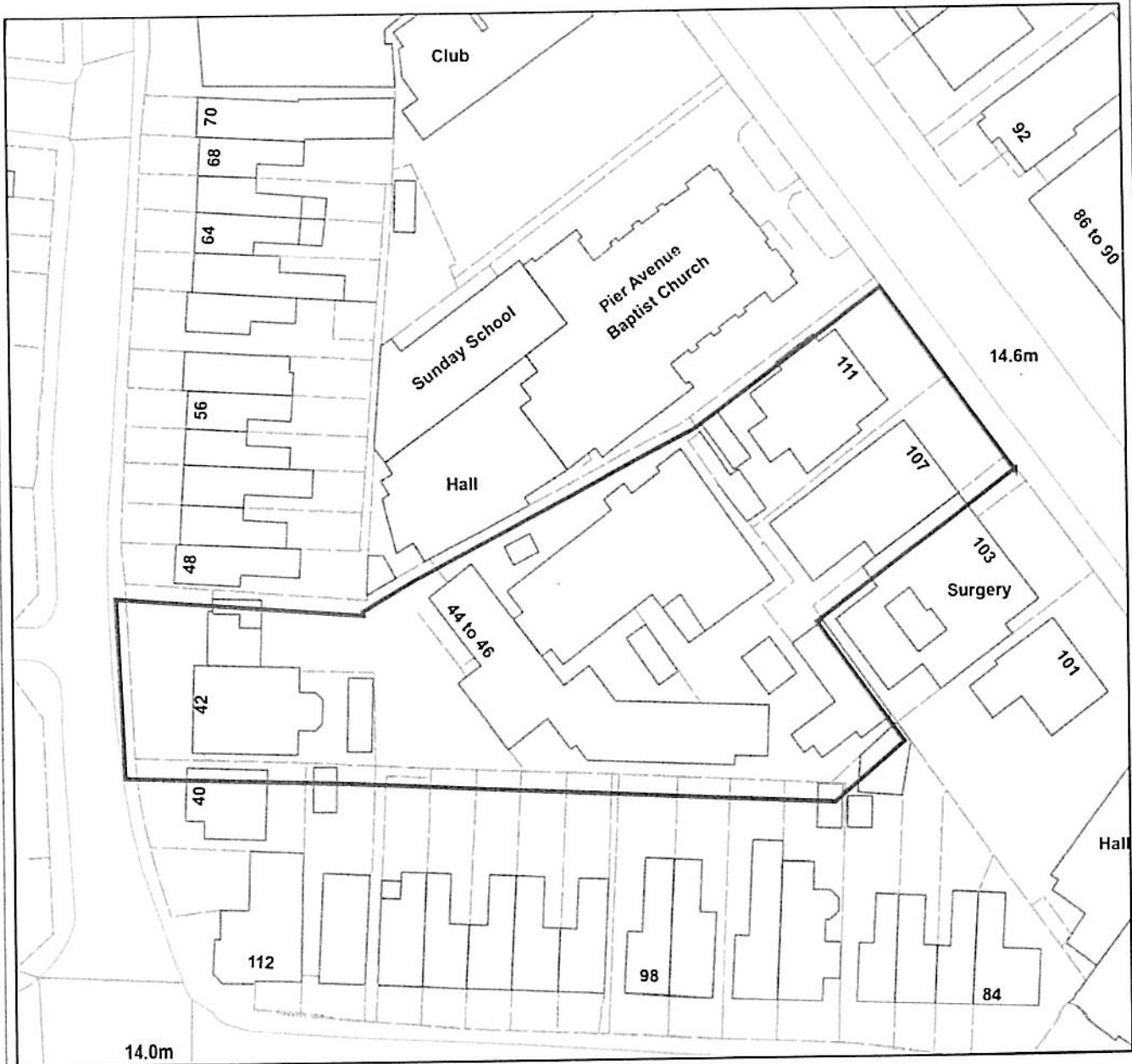
On behalf of: Tendring District Council, Planning Services, Town Hall, Station Road,
Clacton on Sea, Essex CO15 1SE

Please send all communications to John Pateman-Gee at the above address or to
jpatemangee@tendringdc.gov.uk, quoting reference 22/00259/CHGUS1

22/00259/CHGUS1

Enforcement Notice (Section 172)

Land at 42-46 Old Road and 107-111 Pier Avenue, Clacton-on-Sea, Essex CO15 1NJ



Scale: 1:750

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Organisation	Tendring District Council
Department	Planning Department
Comments	Ref: 22/00259/CHGUS1
Date	19/12/2022
MSA Number	100018684

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed information sheet from The Planning Inspectorate sets out how to do this. Read it carefully.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

SERVICE

Copies of this notice have been served on: -

Wyldfield Homes Limited
591 London Road
Cheam
Sutton
SM3 9AG

Sandra Davidson Estate Agents Limited
6 Roding Lane South
Ilford,
Essex
IG4 5NX

Rt Hon Suella Braverman Home Secretary
2 Marsham Street
London
SW1P 4DF

SDEA Limited
6 Roding Lane South
Ilford
Essex
IG4 5NX

SD Commercial (UK) Limited
6 Roding Lane South
Ilford
Essex
IG4 5NX

Clearsprings Ready Homes Limited
26 Brook Road
Rayleigh
Essex
SS6 7XJ

Barclays Bank PLC
Lending Operations
P.O. Box 299
Birmingham
B1 3PF

The Occupiers
42-46 Old Road
Clacton On Sea
Essex
CO15 1HH

The Occupiers
107 - 111 Pier Avenue
Clacton On Sea
Essex
CO15 1NJ



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372
Switchboard 0117-372 8000
Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.