

# PLANNING COMMITTEE

3<sup>rd</sup> December 2024

## 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 **6<sup>th</sup> November 2024**.

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.

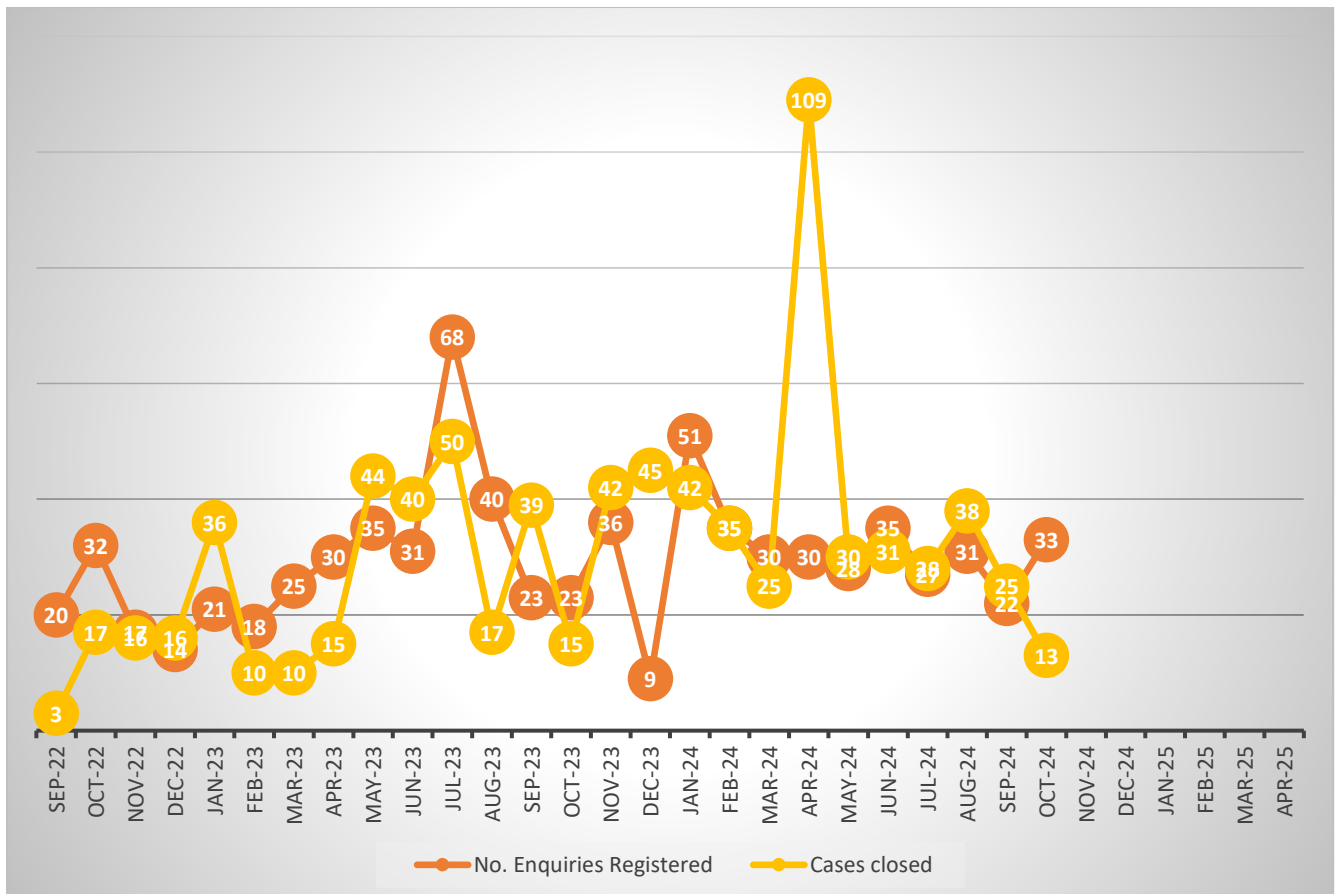
Please note that some areas continue not to be available given the resource to export information from the available system are not possible with the current database software, or as addressed directly below.

### **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
Sep-22	2022	20	20	3
Oct-22	2022	32	32	17
Nov-22	2022	17	17	16
Dec-22	2022	14	14	16
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
Dec-23	2023	9	9	45
Jan-24	2024	51	51	42
Feb-24	2024	35	35	35

Mar-24	2024	30	30	25
Apr-24	2024	30	24	109
May-24	2024	28	28	30
Jun-24	2024	35	35	31
Jul-24	2024	27	27	28
Aug-24	2024	31	31	38
Sep-24	2024	22	22	25
Oct-24	2024	33	33	13

(Graph of information above, ENQ and Case Closed, includes earlier data not shown on the table above.)



### 1. Enquiries Registered:

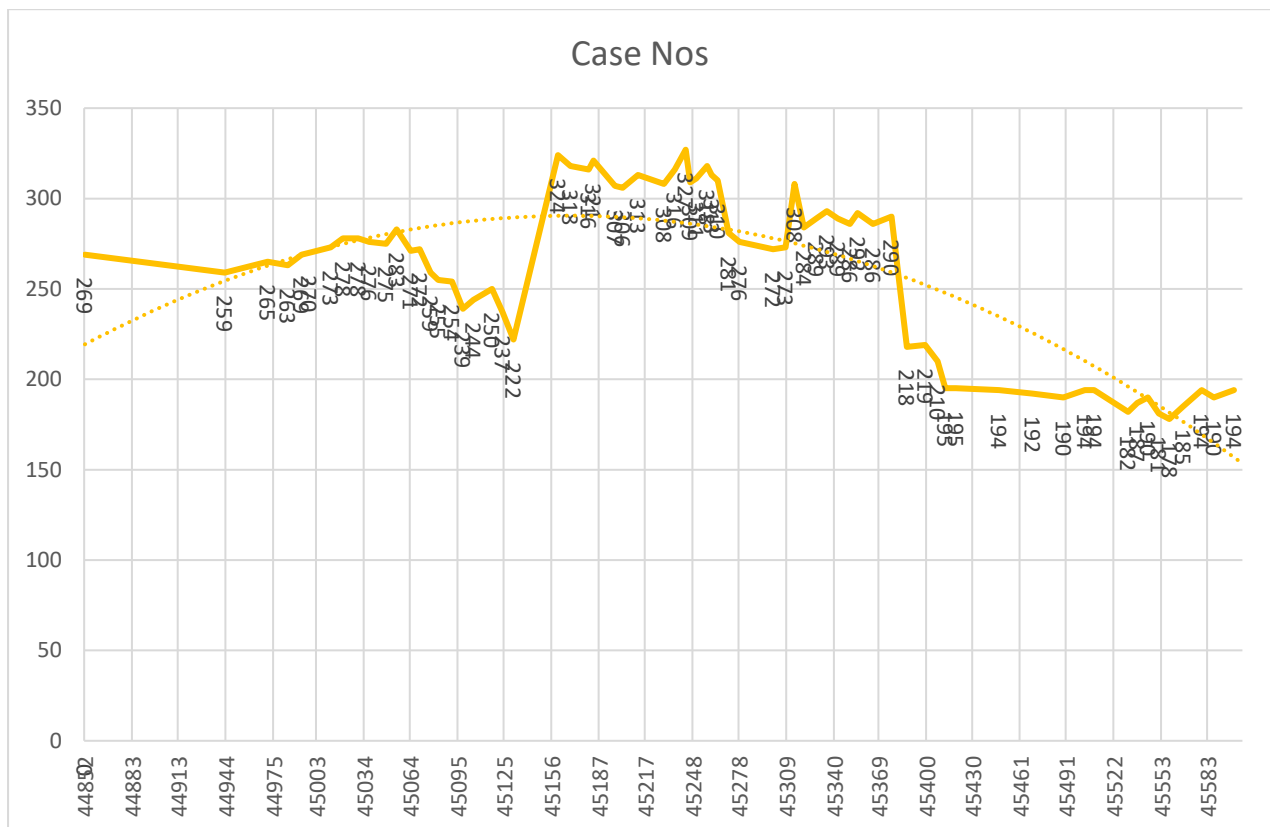
- The number of enforcement enquiries registered continues to vary each month, but through 2024 is around 30 to 35 a month.

### 2. Enquiries Registered within 3 Working Days:

- The data shows that all enquiries were registered within 3 working days across all months, indicating a timely response to new cases, except for April 2024 when the entire Uniform system was replaced taking over a week, causing delay to all parts of the service.

### 3. Cases Closed:

- The running average of case closures is around the same as new cases, but given the recent drop in staffing for Planning enforcement this has recently dropped. New officers will start at the end of November, but will need training and so this trend may take few months to resolve.



Above are points in time that that live case numbers have been recorded, around once a week as in the last year. As demonstrated above there was a significant decline in numbers of enforcement cases until August 2023 when the Jaywick project can forward. While this project continues and some of these matters are closed, officers have also tackled the historic backlog. From March 2024 we have maintained a consistent case load of around 190 to 200 to date.

### 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.

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. This is the current position at the time of writing this report, there are no red cases.

<b>P1AMB</b>	<b>6</b>
<b>P1GRE</b>	<b>4</b>
<b>P2AMB</b>	<b>16</b>
<b>P2GRE</b>	<b>10</b>
<b>P3AMB</b>	<b>94</b>
<b>P3GRE</b>	<b>58</b>

### 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 and further work is paused pending priorities for Building Control and potential replacement software being reviewed by IT Services. 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. Taking a sample of cases in writing this report, all cases reviewed have achieved an update before day 21.

As a response to the Enforcement task and finish group the following actions continue.

- The engagement of regular updates to Members (a weekly list of enforcement cases placed on the Members Hub)
- Public Access online is now available for all Members and the Public to enable the public to self-serve appropriate information on enforcement cases (similar to planning applications but mindful of sensitive information).

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

There are 194 Live Cases at the time of writing this report.

#### Time Period since receipt.

Age	No of Cases (14 <sup>th</sup> June)	No of Cases 6 <sup>th</sup> December	No of Cases 17 <sup>th</sup> April (219 cases)	No of Cases 7 <sup>th</sup> Nov (194 cases)
Year 1	73	167	174	119
Year 2	69	40	22	51
Year 3	21	12	10	12
Year 4	5	5	9	8
Year 5	4	4	1	3
Year 6	4	4	1	1
Year 7	49	49	None	None
Year 8	4	4	None	None
Year 9	1	1	1	None
Year 10	1	1	None	None
Year 11	2	2	None	None
Year 12	20	20	None	None
Year 13+	1	1	1	None

## Category

<b>INCOM</b>	<b>2</b>
Alleged breach of condition	1
Alleged unauthorised advert	1
<b>NOTICE</b>	<b>10</b>
Alleged breach of condition	1
Alleged building works	2
Alleged change of use	6
Alleged Untidy Site S215	1
<b>PCO</b>	<b>168</b>
Alleged breach of condition	31
Alleged breach of occupation condition	2
Alleged building works	39
Alleged change of use	26
Alleged Non-Compliance with approved plans	8
Alleged unauthorised advert	4
Alleged Unauthorised Engineering Works	3
Alleged Untidy Site Jaywick S215	19
Alleged Untidy Site S215	13
Alleged works to a protected tree	2
Alleged works to Listed Building	7
Alleged Non-Compliance with Section 106	3
Alleged change of use to HMO	11
<b>PLNREC</b>	<b>14</b>
Alleged breach of condition	2
Alleged building works	6
Alleged change of use	4
Alleged Non-Compliance with approved plans	1
Alleged change of use to HMO	1
<b>Grand Total</b>	<b>194</b>

## Electoral ward

The following is the number of current enforcement cases divided by Ward (Please note Ward in some cases is based on the Ward at the time of the enquiry being made).

Alresford & Elmstead	15
Ardleigh & Little Bromley	8
Bluehouse	1
Brightlingsea	6
Burrsville	3
Cann Hall	3
Coppins	1
Dovercourt All Saints	5
Dovercourt Bay	1
Dovercourt Tollgate	1
Dovercourt Vines & Parkeston	3
Eastcliff	5
Frinton	7

Harwich & Kingsway	4
Homelands	1
Kirby Cross	1
Kirby-le-Soken & Hamford	3
Lawford, Manningtree & Mistley	10
Little Clacton	2
Pier	7
St Bartholomews	3
St James	6
St Johns	6
St Osyth	16
St Osyth & Point Clear	1
St Pauls	1
Stour Valley	9
The Bentleys & Frating	3
The Oakleys & Wix	3
Thorpe, Beaumont & Great Holland	11
Walton	4
Weeley & Tendring	14
West Clacton & Jaywick Sands	30

Total 194

### **Current Enforcement-related appeals.**

Please see the below detail of enforcement appeals currently still outstanding:

PINS Appeal Ref: [APP/P1560/C/24/3348388](#) & [APP/P1560/C/24/3348389](#) Uniform Appeal ref: 24/00035/ENFORC - Land Lying to The North-west of Rectory Lane Ramsey Essex CO12 5HA - Construction of a new access on to the A120 (EN case ref: 24/00157/BWK)

PINS Appeal Ref: [APP/P1560/C/22/3307026](#) Uniform Appeal ref: 22/00043/ENFORC - Goodhall Farm Coggeshall Road Ardleigh Essex CO7 7LR – Change of use of land from agricultural to B8 storage (EN case ref: 21/00304/ENFENQ)

PINS Appeal Ref: [APP/P1560/C/22/3308415](#) & [APP/P1560/C/22/3309012](#) - Uniform Appeal ref: 22/00048/ENFORC – Joint enforcement appeal for Forty Winks Dairy Farm Meadow St Osyth Clacton On Sea Essex CO16 8JG – Change of use of land to residential (EN case ref: 21/00149/CHGUS3) and Cow Lane, St Osyth Essex CO16 8JH – Change of use of land and operational development (EN case ref: 22/00027/ENFENQ)

In addition to the above, we are also awaiting an appeal decision against refusal to grant PPs

PINS Appeal Ref: [APP/P1560/W/23/3332297](#) Uniform Appeal ref: 23/00048/REFUSE - 112 Wellesley Road, Clacton CO15 3PT – Appeal against refusal for HMO use (EN case ref: 23/00041/COUHMO).

PINS Appeal Ref: [APP/P1560/W/24/3352355](#) Uniform Appeal ref: 24/00048/REFUSE – 5 Swift Avenue, Jaywick CO15 2JF – Appeal against refusal to grant PP for dwelling (EN case ref: 22/00262/ENFENQ)