

DR/04/24**Report to:** DEVELOPMENT & REGULATION (26 January 2024)**Information Item:** Enforcement of Planning Control Update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long (Planning Enforcement Officer) – Telephone: 03330 322837**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 October to 31 December 2023.

2. DISCUSSION

Appendix 1 provides an update on cases which remained open from the previous period and outlines details of new cases investigated in this period.

A. Outstanding Cases

As at 31 December 2023 there were 16 outstanding cases.

B. Closed Cases

4 cases were either resolved or closed during this period.

Local Member notification

Countywide

District: Basildon

Location: Heard Environmental, Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH

Nature of problem: Stockpile heights

Remarks: Condition 17 of planning permission ESS/13/15/BAS states that no material is to be stockpiled at a height greater than 4 metres. Stockpile heights were found to be exceeding this limitation and a Breach of Condition Notice was served on 16/09/2023 requiring compliance with the relevant condition, compliance was due by 16/09/2023. The CPA conducted a site visit 6 October 2023 and considered the requirements of the BCN had been met, in that all waste material stockpile heights been reduced to below 4 metres. Case closed.

District: Braintree

Location: Straits Mill, Bocking, Braintree, CM7 9RP

Nature of problem: A material change of use of the land to a waste transfer facility, waste importation specifically wood, textiles, soils and other similar waste materials

Remarks: The importation and processing of the waste has ceased however the waste remains. The CPA served an Enforcement Notice on the 07/01/2020. An appeal was lodged against the EN served, in respect of the timeframe allowed to remove the waste. Following discussions with the landowner's agent, revised terms of compliance were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued. The new Notice took effect on 29/07/2020 and required the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months. Removal of all waste was accordingly required by January 2022. A site visit has confirmed that the EN has not been complied with and statements have been prepared and are with Essex Legal Services for consideration of a prosecution in the Magistrates Court. ELS have confirmed summons have been drafted for prosecution. The Environment Agency prosecuted the operators at the Crown Court in April 2023, sentencing included fines and an order requiring the land to be cleared within 6 months. ECC have since been advised the operators applied for an extension to the court order, the deadline is now 31 March 2024. ECC's plea hearing against the landowners, originally scheduled for June 2023, has been adjourned until after the compliance date set within the order made against the operators.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch

Nature of problem: Waste operations

Remarks: Without the benefit of planning permission a material change of use of land to the use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). The requirements of the Enforcement Notice have not been met; as per members resolution, the CPA have instructed ELS to seek prosecution.

District: Chelmsford

Location: Dunmow Group, Regiment Business Park, Eagle Way, Chelmsford, CM3 3FY

Nature of problem: Operating hours

Remarks: Meeting was held with the operator in October 2023. CPA consider breach of planning control as site is operating outside the permitted hours specified within the extant planning permission. Dunmow Group have indicated they wish to submit a planning application in an attempt to regularise site activities, with it likely that this application will also propose further development/changes of the site (in comparison to that currently approved). CPA content to withhold formal enforcement action subject to an application being submitted for consideration by 31 January 2024.

District: Chelmsford

Location: Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG

Nature of problem: Waste activities - unauthorised importation, deposition and spreading of waste

Remarks: Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

District: Chelmsford

Location: Land on south of Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW

Nature of problem: Waste activities - unauthorised importation, deposit, storage and spreading of waste, raising the levels of the land.

Remarks: Without the benefit of planning permission a material change of use of the land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils, raising the levels of the land. Following initial site visit on the 29 August 2023 the landowner requested a two-week period to remove the waste, the CPA allowed the landowner this opportunity. A subsequent visit on 13 September 2023 confirmed no progress had been made, with no material/waste being removed. As such, in context of the nature of the breach and harm identified, the CPA considered it expedient to serve an Enforcement Notice which took effect on 3 November 2023. Full compliance is required by March 2024.

District: Colchester

Location: Agri-Mix Site, Land lying west of Ipswich Road, Langham, Colchester, CO4 5LZ

Nature of problem: Waste activities - waste recycling, namely waste road materials

Remarks: Without the benefit of planning permission a material change of use of land for waste recycling, namely waste road materials involving the importation, deposit, storage and treatment of waste. Following discussions, the operator intends to submit a retrospective application in an attempt to regularise the unauthorised development. That application has now been submitted to ECC as CPA for consideration/determination. Case to remain open pending determination of aforementioned application.

District: Colchester

Location: ATS Mini Skips, Unit 1-3 Oyster Haven, Haven Road, Colchester, CO2 8HT

Nature of problem: Breach of planning control - development not in accordance with site layout plan

Remarks: Following an unannounced site visit on the 1 November 2023, the CPA considered the site was in breach of planning control, as the development was not being carried out in accordance with the extant planning permission (ESS/26/23/COL) and the approved drawing no. 3173-004-03 Rev C – Site Layout Plan, namely skips (containing waste) are being stored outside the designated storage area. The CPA agreed to allow the operator an opportunity to remedy the breach informally, with a deadline set of 15 November 2023. A further unannounced visit on the 22 November confirmed the breach had been resolved, with all skips being removed/within the designated storage area. In context of this, the CPA have closed the enforcement case.

District: Colchester

Location: Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ

Nature of problem: Waste activities - use of the land for importation, deposition, storing, processing and spreading of waste materials, subsequently raising the levels of the land

Remarks: Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

District: Colchester

Location: Wormingford Airfield, Fordham Road, Colchester, CO6 3AQ

Nature of problem: Wood and metal recycling operation

Remarks: Without the benefit of planning permission a change of use of the land to a green waste composting facility. Application ESS/30/22/COL for the change of use for a composting facility to process green waste to include the provision of a weighbridge, and hardstanding for windrows and associated landscaping was submitted to the CPA for consideration. This application was refused by members in April 2023 with the resolution also being that enforcement action was taken to remedy the breach of planning control. An Enforcement Notice was issued on 19 May 2023, and this would have taken effect on 25 June 2023 had an appeal not been lodged against the notice prior to this date. An appeal against the Enforcement Notice was however lodged with the Planning Inspectorate, and further enforcement action will be held in abeyance pending the outcome of the appeal.

District: Epping Forest

Location: 140 London Road, Abridge RM4 1XX

Nature of problem: Alleged illegal deposit of waste

Remarks: Without the benefit of planning permission a material change of use of the land to the use for importation, deposition, and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was issued by the CPA, dated 08/04/2022. As per members resolution the CPA allowed the landowner an additional period of time, beyond that outlined within the Enforcement Notice, until 11 September 2023 to make significant progress with regard to the requirements of the Enforcement Notice. If progress was not evidenced, members resolved that the CPA should seek prosecution in view of the continued harm. A site visit 13/09/2023 confirmed no progress with the waste remaining in-situ, as such the CPA have instructed ELS to seek prosecution.

District: Epping Forest

Location: Land to the North-West of London Road, Abridge RM4 1XX

Nature of problem: Unauthorised earthworks, including engineering operations

Remarks: Following a site visit in August 2023, the CPA noted unauthorised earthworks were ongoing/had occurred without the benefit of planning permission. The earthworks appeared to consist of engineering operations, however the nature of these operations was unknown. In context of this, the CPA served a Planning Contravention Notice on 25 August 2023 on all interested parties to obtain further information and establish if the unauthorised activities would be considered a County Matter. The PCN responses suggested no waste had been imported to the site and as such the CPA consider the development undertaken to fall more within the definition of engineering rather than waste operations. The CPA do consider that potentially there is a breach of planning control in so much of the engineering works which have taken place (changing the land levels of the site) without the benefit of planning permission. However, it is considered that this would be more appropriate for EFDC as LPA to consider and determine if any further action is needed. As such this case has been passed to EFDC and the CPA have closed our enforcement case in respect of the land.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone, Essex, CM4 0LN

Nature of problem: Use of land for waste recycling

Remarks: Part of the land at Norton Field Farm is currently being used as an inert transfer/recycling facility. It would appear that construction and demolition waste are imported, processed/screened/crushed on-site and exported. The landowners have a demolition/groundworkers company and consider that the use of the land for recycling is lawful. A CLEUD application (ESS/94/21/EPF) was submitted to the CPA. The application was

considered and refused. An appeal has been lodged with the Planning Inspectorate, against the refusal and further enforcement action will be held in abeyance until the outcome of the appeal.

District: Uttlesford

Location: Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU

Nature of problem: Waste soil and aggregate operation

Remarks: A planning application for the site at Boro Farm was submitted to the CPA. The application was considered and was refused on 22/07/2022 (ref: ESS/20/22/UTT). It was subsequently considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and the reinstatement of the land. The operator has lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Two new applications were subsequently submitted to the CPA (refs: ESS/109/22/UTT and ESS/112/22/UTT) for consideration/determination. These applications were both refused, and the appeals previously lodged re-started by the Planning Inspectorate. The three appeals now lodged will collectively be considered by way of hearing in February 2024.

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield

Nature of problem: Waste activities - unauthorised landfill and land raising

Remarks: As approved by members, the CPA continues to assist the Environment Agency with its investigation regarding the unauthorised landfill and land raising. While the CPA consider there are breaches of extant planning permission conditions and legal agreement relating to built development, phasing and restoration, it is considered inappropriate to attempt to tackle these issues whilst the aforementioned investigations are on-going. The Environment Agency are leading investigations regarding the illegal importation and deposition of material/waste.

District: Uttlesford

Location: Highwoods Quarry

Nature of problem: Relocate the access track

Remarks: Issues with relocating the access track that cuts diagonally across the site and in particular through phase E. Following discussions with the operator, the CPA have now received confirmation an agreement has been reached to resolve the access issues. This should allow progressive working and restoration of the site in accordance with the extant planning permission. Case will remain open; the CPA will continue to monitor the site to ensure progress is being made.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN

Nature of problem: Working outside of CLUED and installation of new plant

Remarks: Without the benefit of planning permission the installation of a new wash plant. An application is to be submitted to the CPA for consideration. In context of the time already allowed, the CPA have set a deadline of week commencing 8 January 2024 for submission of an application. If not received by this date the CPA will re-consider the expediency of formal enforcement action.

District: Uttlesford

Location: Land on the South side of Mill Lane, Ickleton, Saffron Walden (part of Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden CB10 1NU)

Nature of problem: Waste soil and aggregate operation

Remarks: Without the benefit of planning permission the deposition of waste, raising the levels of the land and the creation of bunds. On the 28/10/2022 the CPA served a Temporary Stop Notice to prevent further deposition which ceased to have effect on the 25/11/2022. Following

the serving of the TSN works ceased. Planning Contravention Notices were subsequently served in an attempt to ascertain further information as to the activities occurring on the land. A site visit was conducted in March 2023 and this case remained ongoing. An update to members was provided in May 2023 to confirm the CPA issued an Enforcement Notice on 26 April 2023 which took effect on 31 May 2023 in respect of the unauthorised development. The CPA conducted a visit on 2 November 2023 to check compliance with the requirements of the EN, which confirmed the EN has not been fully complied with. In context of this, the CPA have instructed ELS to seek prosecution.

District: Uttlesford

Location: New Farm, Elsenham Road, Stansted, CM24 8SS

Nature of problem: Importation of waste

Remarks: Importation, depositing, storing and spreading of waste materials on the land. On the 05/10/2015 an Enforcement Notice was served by the CPA. The landowner and tenant appealed the Enforcement Notice. The Planning Inspectorate issued their decision in relation to the appeal on the 01/07/2016. The appeal against the Enforcement Notice was allowed on ground (g) such that 12 months was given for the removal of the waste and restore the land. The removal was required by the 01/07/2017. A site visit, after this date, confirmed that the Enforcement Notice had not been complied with. The case was passed to ELS for potential prosecution. However, due to COVID-19 all matters that were provisionally listed for prosecution were put back to a holding court. The land has now been sold. The EN remains on the land and the new owners will be responsible for compliance. A site meeting with some of the new landowners was held on 22 March 2023, and a subsequent letter was issued seeking to confirm the new owner's intents. Following further investigation, the CPA has obtained ownership information including the additional new landowner details. The CPA is attempting to open dialogue with all parties with an interest in the land. A further update will be provided to members in due course.

District: Uttlesford

Location: Timbers, Hallingbury Place, Great Hallingbury, Bishops Stortford, CM22 7UE

Nature of problem: Waste Activities - waste importation, deposit, storage and treatment, including unauthorised landraising

Remarks: Without the benefit of planning permission a material change of use namely operating a waste recycling facility involving the importation, storage and treatment of waste, namely inert materials. Including associated plant, equipment, machinery and storage containers on land with additional deposition of material/landraising. Following discussions, the landowner has stated he is willing to work with the CPA to remedy the breach of planning control. Without prejudice, the CPA have agreed to allow the landowner this opportunity and subsequently specified the requirements and deadlines which must be met. In context of the above, the CPA are content to withhold taking formal enforcement action. A site visit was conducted on 2 November 2023 which considered the requirements set by the CPA had been met in that all waste activities has ceased, and all plant, machinery and equipment had been removed. Case to be closed, though a further visit/inspection will be undertaken in Spring 2024.