

**DR/27/24**

**Report to:** DEVELOPMENT & REGULATION (25 October 2024)

**Information Item:** Enforcement of Planning Control Update

**Report author:** Chief Planning Officer (County Planning and Major Development)

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**1. PURPOSE OF THE ITEM**

To update Members of enforcement matters for the period 1 April to 30 September 2024.

**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 30 September 2024 there were 21 outstanding cases.

**B. Closed Cases**

4 cases were either resolved or closed during this period.

**Local Member notification**

Countywide

**District:** Basildon

**Location:** Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD

**Nature of problem:** Infilling of a reservoir

**Remarks:** Following receipt of a complaint, the CPA conducted a site visit on 15 May 2024 which confirmed an existing above ground agricultural reservoir was in the process of being infilled. The landowner subsequently provided documentation which confirmed a Certificate had been issued to the Environment Agency in respect of discontinuance of the reservoir. The CPA during the site visit saw no evidence that material/waste had or was being imported to infill the reservoir. If further information comes to light or material/waste is imported to finish infilling the reservoir this would be investigated and a new case opened.

**District:** Braintree

**Location:** Colemans Quarry, Little Braxted, CM8 3EX

**Nature of problem:** Alleged breach of condition: Mud/debris being deposited on public highway

**Remarks:** The CPA have been liaising with the operator of Colemans Quarry following complaints regarding deposits of mud on Little Braxted Lane which were received 23 January and 15 February 2024. Subsequent site visits confirmed the wheelwash was operational, and commercial vehicles leaving site were being cleaned prior to exiting the site. In this regard the site was considered compliant with the associated condition of the extant planning permission. That said, the CPA did raise concerns regarding the efficiency of the wheelwash noting some minor staining and mud on the public highway. The operator subsequently implemented remedial actions, including additional sweepers, in an attempt to resolve the issue. The operator has also now installed additional equipment to improve the overall efficiency of wheel washing. The case has been closed, in the event further complaints are received these would be investigated and a new case opened.

**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 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 after this date confirmed that the EN has not been complied with and statements were prepared for consideration of a prosecution in the Magistrates Court. The Environment Agency however separated prosecuted the operators at the Crown Court in April 2023, with the sentence of this including fines and an Order to clear the land. The operators subsequently applied for extensions to the Order which were granted. The latest deadline for clearance agreed by the Court being 20 July 2024. The CPA have continued to liaise with EA, who have advised that significant progress with regard to waste removal has been made. However, some waste is still on-site and needs to be removed. ECC's plea hearing against the landowners has been adjourned until after the compliance date set within the Order made against the operators.

**District:** Braintree

**Location:** Tile Kiln Farm, Hedingham Road, Sible Hedingham, Halstead, Essex, C09 3AN

**Nature of problem:** Waste activities: Unauthorised importation, deposit and disposal of waste, namely inert waste subsequently raising the levels of the land/landraising

**Remarks:** On 23 September 2024 the CPA conducted a joint visit with the Environment Agency, following information which alleged unauthorised activities were taking place. The visit confirmed a breach of planning control had occurred, namely inert waste had been imported/deposited subsequently raising the levels of the land significantly, without the benefit of planning permission. Following discussions with the Environment Agency, it was agreed the CPA would initially lead investigations. Investigations are on-going, in-line with our Enforcement and Site Monitoring Plan, with the CPA currently considering the expediency for formal enforcement action. Further updates will be provided in due course.

**District:** Brentwood

**Location:** Ashwells Road, Pilgrims Hatch

**Nature of problem:** 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)

**Remarks:** The requirements of the Enforcement Notice served have not been met and, as per Members resolution, the CPA instructed ELS to seek prosecution. A report was nevertheless presented to Members in August 2024 providing an update on this. This case remains open but at the current time no further action is proposed. In the event the case status changes a separate update will be provided.

**District:** Chelmsford

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

**Nature of problem:** Operating hours and additional scrap metal facility

**Remarks:** The CPA consider there is a breach of planning control as the site has expanded and is operating outside the permitted hours specified within the extant planning permission. Dunmow Group indicated they would submit a planning application in an attempt to vary the permitted hours of operation, with it likely that this application would also propose further development/changes of the site (in comparison to that currently approved). Two applications have now been submitted to ECC as CPA for consideration/determination. Case to remain open pending determination of aforementioned applications.

**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 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. 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 was required by 3 March 2024. A visit in March 2024 confirmed that while importation had ceased, the waste remained in-situ and the land had not been remediated, such that the requirements of the EN had not been complied with in full. Following discussions, the landowner confirmed they remain committed to complying with the Notice. However, some personal circumstances and the wet weather, had restricted their ability to meet the deadlines. While the CPA consider the EN timeframes were reasonable, the CPA noted the personal circumstances which had been advanced and accepted that these may have impacted site progress. As such, the CPA allowed the landowner another opportunity to fully comply with the Enforcement Notice. Officers visited on 6 August 2024 and noted some progress had been made with respect to the removal of waste. A visit on the 4 September 2024 considered that further progress had been made, however some waste still required removal. The CPA will continue to monitor the site to ensure progress continues to be made.

**District:** Chelmsford

**Location:** Land at Meadow Lane, Runwell, Essex, SS11

**Nature of problem:** The unauthorised importation and deposit of waste, subsequently raising the levels of the land

**Remarks:** A site visit was undertaken with Chelmsford City Council (CCC) and the Environment Agency (EA). The visit confirmed a breach of planning control, including the importation and deposition of waste, raising the levels of the land, namely soils and trommel fines, without the benefit of planning permission. A follow-up meeting was held to discuss next steps. In-line with our joint enforcement protocol, and in context of the site history and scale of operations, the Environment Agency have agreed to initially lead investigations, with CCC also picking up on some elements non-waste related. Investigations are ongoing and the CPA remain available for support if required. Case to remain open, pending update from the EA.

**District:** Colchester

**Location:** Gean Trees, The Causeway, Great Horkeley, 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:** Fairfield's Farm, Fordham Road, Colchester, CO6 3AQ

**Nature of problem:** Wood and metal recycling operation

**Remarks:** Without the benefit of planning permission, a material 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 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 it. An appeal against the Enforcement Notice was lodged with the Planning Inspectorate, and further enforcement action was held in abeyance pending the outcome of the appeal. The Planning Inspectorate issued the Enforcement Notice appeal decision on 22 August 2024, which upheld the Notice in respect of operational development, requiring removal of the netting and supporting poles within 12 months. However, PINS considered the use of the site was materially different to that alleged within the Notice and did not consider it possible to correct the allegation without causing injustice. As such, a decision on next steps is currently being held in abeyance pending the outcome of the appeal lodged against the refusal of ESS/30/22/COL.

**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. This case was scheduled for a hearing on 3 October 2024 however, the defendant requested an adjournment from the Court. The CPA have now received confirmation, that an administrative adjournment has been agreed with the case re-listed for 12 December 2024.

**District:** Epping Forest

**Location:** Normandy Nursey, Avey Lane, Waltham Abbey, EN9 3QH

**Nature of problem:** Unauthorised importation, deposit, storage and disposal of waste, namely mixed waste

**Remarks:** A joint site with the Environment Agency was conducted on 27 June 2024, following receipt of a complaint. The visit confirmed a breach of planning control with significant quantities of waste deposited on the land. Following discussions, it was agreed that in context of the scale and nature of the deposit, and operations on-going, that the Environment Agency would lead going forward. The CPA are available for support if required, case to remain pending update from the EA.

**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 is 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 duly submitted to the CPA. The application was considered and refused. An appeal was lodged against the refusal. On 15 May 2024 PINS dismissed the appeal. The CPA subsequently sought to engage with the landowner, to ascertain their intentions moving forward. The landowner confirmed their intention was to submit a new lawful development certificate, and considered they could supply additional information to evidence the gaps identified by PINS. Following a site meeting on 25 July 2024, the CPA agreed to hold potential enforcement in abeyance, for a further period, subject to the new application being submitted within a timely manner. That application (ESS/54/24/EPF) has now been submitted. Case to remain open, while application is being considered/determined.

**District:** Rochford

**Location:** Baltic Wharf, Creeksea Ferry Road, Wallasea Island, Essex, SS4 2HA

**Nature of problem:** Waste Activities: Unauthorised scrap metal recycling, including the importation and storage of waste metal

**Remarks:** Initial investigations in respect of this site and use were led by Rochford District Council (RDC) with a Planning Contravention Notice (PCN) being issued by RDC. A meeting was subsequently held with RDC which resulted in the case being considered a County Matter. The CPA consider the land to be in a sui-generis (waste) use, namely the importation, storage,

bulking and processing of scrap metal. The CPA engaged in discussions and the landowner requested an opportunity to submit a planning application in an attempt to regularise the breach identified. In context that (waste) operations have been on-going for some time, and the nature of the site, the CPA, without prejudice, agreed to withhold formal enforcement action, subject to an application being submitted within a timely manner. An application was submitted in September 2024. The CPA requested additional information to validate this application which is expected shortly.

**District:** Tendring

**Location:** Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU

**Nature of problem:** Breach of planning control: namely development not in accordance with extant planning permission

**Remarks:** A visit in May 2024 confirmed works associated with the extant permission (ESS/42/22/TEN) had commenced without compliance with the associated conditions. The permission has attached conditions, including pre-commencement schemes which are required to be submitted and determined prior to commencement. Works undertaken were also not in accordance with the approved plans. The CPA requested works on-site cease while discussions to resolve took place. Following review, the CPA considered the extant permission had lapsed, and as such the previously required schemes were unable to be discharged. The CPA advised a new application would need to be submitted. A new application (ESS/34/24/TEN) was submitted and the CPA are currently content to withhold potential enforcement action while the aforementioned application is determined.

**District:** Uttlesford

**Location:** Anglian Land Drainage (ALD), Mawkinherds Farm, Barnston, Great Dunmow CM6 1ND

**Nature of problem:** Alleged breach of planning control namely the expansion of site/operation outside that permitted under UTT/1764/00/CL

**Remarks:** The CPA initially received complaints in relation to HGV movements. On review of the permission covering the use of the site (a lawful certificate issued by Uttlesford District Council (UDC)) it was noted that there are no associated conditions which restrict HGV movements. However, the CPA requested a meeting with UDC to discuss the site operations, and subsequently a joint site visit took place to determine if the use on-going represented a breach of planning control. The visit, undertaken in April 2024, identified breaches of planning control – namely a site expansion (beyond the boundary of the lawful certificate: UTT/1764/00/CC) and the change of use of a building approved for agricultural purposes. However, UDC confirmed they considered the use still to be within that permitted by lawful development certificate and as such UDC are leading going forward. Case closed.

**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 this site was submitted to the CPA. However, this was subsequently refused on 22/07/2022 (ref: ESS/20/22/UTT). At this point it was also considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and to reinstate the land. The operator lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Two new applications were then 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 appeals lodged were considered by way of a Hearing in February and March 2024. On 27 August 2024 PINS dismissed the appeals, and upheld the Notice (albeit varied). The CPA will continue to monitor the site to ensure compliance with the Enforcement Notice.

**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:** Highwood 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 closed.

**District:** Uttlesford

**Location:** Home Farm Yard, Gaunts End, Elsenham, Essex, CM22 6DR

**Nature of problem:** Alleged breach of planning control namely expansion of site/operations outside the extant permission, in addition to the creation of earth bunds

**Remarks:** The CPA conducted a site visit in March 2024 following complaint. It was suggested by the landowner/operator that a permission (UTT/15/3107/FUL) issued by Uttlesford District Council (UDC) suitably covered the use/operations on-going. However, the CPA considered the use of the land materially different to that allowed. The CPA considered the land to be used as part of a sui-generis (waste) use. It is also the CPA's view that the associated use of the land to the east for the storage and maintenance of commercial vehicles and plant, and the creation of the earth bund is unauthorised in that this land does not benefit from planning permission. UDC agreed with this interpretation and it was agreed the CPA would lead going forward. Following discussions with the landowner, they requested an opportunity to submit a planning application in an attempt to regularise the breaches of planning control identified. The CPA agreed to allow the landowner this opportunity and withhold potential formal enforcement action, subject to this application being submitted within 3 months. An application was submitted on 15 July 2024, and following receipt of further information that application has now been validated (ESS/41/24/UTT). The CPA are content to hold potential enforcement action in abeyance, while this application is determined.

**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. The CPA received a second request for pre-application advice and attended a site meeting with Essex Highways in March 2024 as part of discussions for more site-wide changes. An application is expected to be submitted within the coming months which will (amongst other things) attempt to regularise the wash plant which has been installed. The CPA are currently content to withhold potential enforcement action, pending receipt and determination of this application.

**District:** Uttlesford

**Location:** Land to east of M11, Howe Green Road, Great Hallingbury, Bishop's Stortford

**Nature of problem:** Unauthorised importation and deposit of waste

**Remarks:** Without the benefit of planning permission the importation and deposition of waste, namely mixed waste and trommel fines. Following joint site visit with UDC it was agreed ECC were best placed to lead. Investigation and land registry searches confirmed the landowner is a registered limited company, with information held on companies' house stating the status of this company as in 'administration'. The CPA subsequently issued letters to landowner/administrator(s) requiring a response and information to be provided. The joint administrators have since confirmed they are aware of the illegally deposited waste, with person(s) responsible unknown. The administrators are in the process of trying to remove the waste and secure the land.

**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. The CPA conducted a visit on 2 November 2023 to check compliance with the requirements of the EN, which confirmed the EN had not been fully complied with. In context of this, the CPA instructed ELS to seek prosecution. The CPA have continued to liaise with the landowner and individuals associated with the land. A number of proposals have been presented to the CPA for consideration, in respect of whether such works would represent compliance with the Enforcement Notice. To date, no acceptable proposal has been submitted. A visit on the 25 September 2024 nevertheless noted that some works, towards compliance, had been completed. In context, the CPA have currently paused prosecution while discussions are on-going. The CPA will continue to monitor the site, to ensure progress towards compliance continues. If this is not the case, the CPA will refer to ELS to determine if prosecution is in the public interest.

**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 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 attempted to open dialogue with all parties with an interest in the land. A monitoring visit in February 2024,



considered no changes or further development of the land, and the Enforcement Notice has still not been complied with. Following investigation, it appears the land may have been sold again, with pending applications registered against the land. The CPA will seek to ascertain landowner details, with view of opening communication in respect of compliance with the extant Enforcement Notice. The CPA will continue to monitor the site.