

**DR/39/23****Report to:** DEVELOPMENT & REGULATION (27 October 2023)**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 July to 30 September 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 30 September 2023 there were 19 outstanding cases.

**B. Closed Cases**

0 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 due by 16/09/2023. The WPA have scheduled a site visit for 6 October 2023 to assess if the requirements of the Breach of Condition have been met.

**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 WPA 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were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued.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'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 WPA has instructed ELS to pursue a prosecution.

**District:** Chelmsford

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

**Nature of problem:** Operating hours

**Remarks:** Investigations ongoing following reports of early morning working and noise. Meeting scheduled with operator in October 2023, further update will be provided to members once the WPA decides the appropriate course of action.

**District:** Chelmsford

**Location:** Land at 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 29th August 2023 the landowner requested a two-week period to remove the waste. To be reasonable, the WPA allowed the landowner this opportunity. A subsequent visit on 13<sup>th</sup> 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 WPA considered it expedient to serve an Enforcement Notice. The Notice will take effect on 3<sup>rd</sup> November 2023 unless an appeal is lodged against the notice prior to this date. A separate more detailed update on this case has been provided to members.

**District:** Colchester

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

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

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

**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 WPA for consideration. This application was refused by members in April 2023 with the recommendation that enforcement action is taken to remedy the breach of planning control. Following investigation and site visit an Enforcement Notice was issued on the 19<sup>th</sup> May 2023 which would have taken effect on the 25<sup>th</sup> June 2023 has an appeal not been lodged with the Planning Inspectorate. 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 WPA, dated the 08/04/2022. As per members resolution the WPA allowed until 11 September 2023 to make significant progress with regard to the requirements of the Enforcement Notice, if not evidenced the WPA will seek prosecution. A site visit 13/09/2023 confirmed no progress with the waste remaining in-situ, as such the WPA 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 site visit in August 2023, the WPA 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 WPA served Planning Contravention Notice on 25th August 2023 on all interested parties to obtain further information and establish if the unauthorised activities would be considered a County Matter. Further update will be provided to members once the WPA decides the appropriate course of action.

**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 WPA. The application was considered and was 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 WPA. 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 WPA (refs: ESS/109/22/UTT and ESS/112/22/UTT) for consideration/determination. These applications were both refused, and the appeals previously lodged have accordingly been re-started by the Planning Inspectorate.

**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 WPA continues to assist the Environment Agency with its investigation regarding the unauthorised landfill and land raising. While the WPA consider there are breaches of extant planning permission conditions and legal agreement, it is inappropriate to attempt to tackle these issues whilst the aforementioned landfill/land raising

investigations are on-going. The Environment Agency are currently 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 WPA 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 WPA 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 WPA for consideration.

**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 WPA 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 WPA issued an Enforcement Notice on the 26 April 2023 which took effect on the 31 May 2023 in respect of the unauthorised development. The WPA will continue to monitor the site in relation to the Enforcement Notice to ensure compliance with the Notice.

**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 WPA. 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 conducted 22<sup>nd</sup> March 2023, and a subsequent letter was issued seeking to confirm the new owner's intents. Following further investigation, the WPA has obtained ownership information including the additional new landowner details. The WPA 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 WPA to remedy the breach of planning control. Without prejudice, the WPA 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 WPA are content to withhold taking formal enforcement action. The WPA will continue to monitor the site to ensure sufficient progress is being made.