

<b>Committee(s):</b> Planning and Licensing	<b>Date:</b> 23 November 2021
<b>Subject:</b> Planning Enforcement Activity Overview	<b>Wards affected:</b> All
<b>Report of:</b> Phil Drane, Director of Planning and Economy	<b>Public</b>
<b>Report Author:</b> Caroline Corrigan, Corporate Manager, Planning Development Management	<b>For information</b>

## Summary

1 This report summarises the enforcement activity undertaken in Brentwood Borough for the period between 1 January 2021 and 30 September 2021.

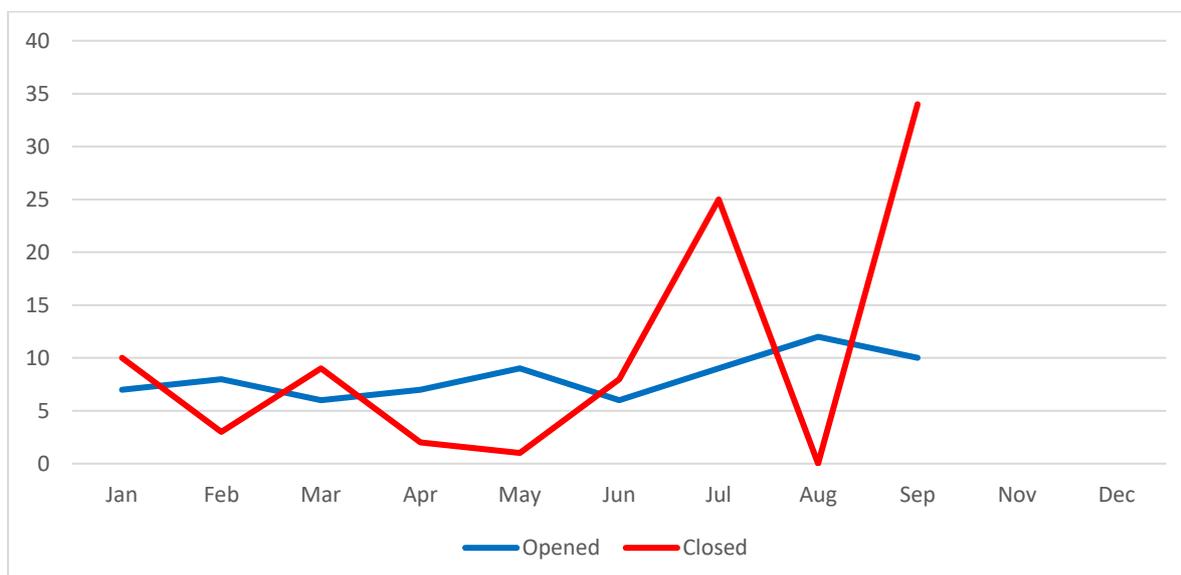
## Main report

2 The following information provides an overview of the number of enforcement cases opened during the three quarters in 2021 and the number that have been closed. The team is consistently successful in its negotiations with residents to achieve compliance with the Regulatory requirements of planning.

Table 1: Number of cases opened and number closed in the year to date

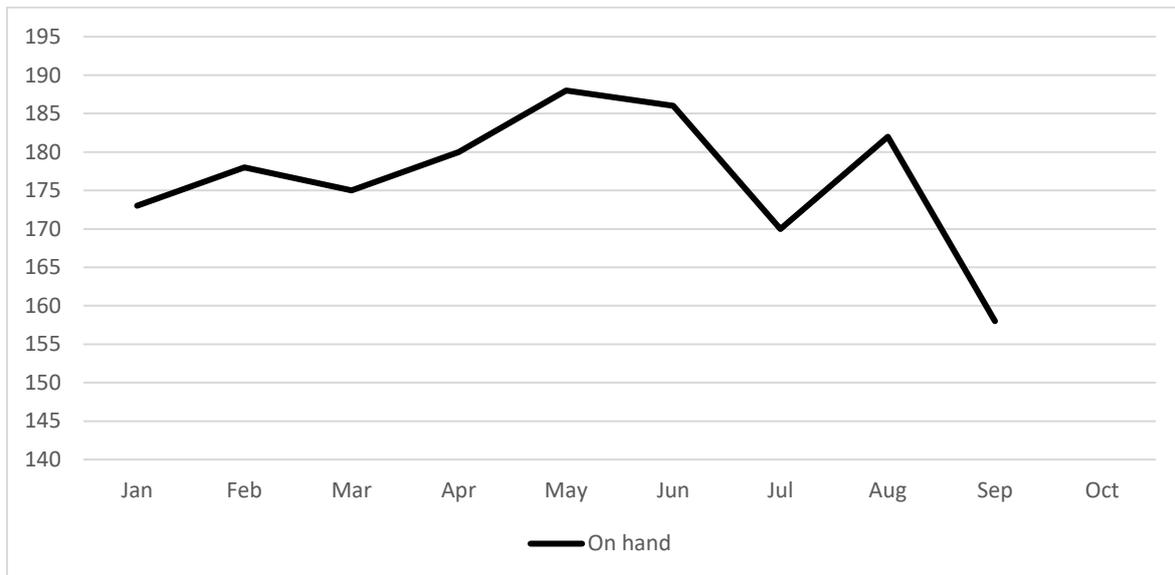
Quarter	Cases Opened	Cases Closed
<b>Q4 (Jan 21-Mar 21)</b>	<b>21</b>	<b>22</b>
<b>Q1 (Apr 21-Jun 21)</b>	<b>22</b>	<b>11</b>
<b>Q2 (Jul 21-Sept 21)</b>	<b>31</b>	<b>59</b>
<b>Total</b>	<b>74</b>	<b>92</b>

Figure 1: Number of cases opened and number closed in the year to date



3 It should be noted that although the above shows the number of cases that are opened and investigated, it does not show the greater number of queries received on a daily/weekly/monthly basis from various sources including Members, internal and external departments, and residents. These enquiries/queries are dealt with at the first point of contact and go through an initial investigation process to establish whether they need to be registered as a case for a full investigation. Some of those cases do not become registered cases, for example because there has been no breach or do not raise planning issues or are matters only relevant to other bodies/departments. It is however important to note that those initial investigations may still take up significant time. Although those assessments are not represented within the graphs provided, the service has shown that this initial assessment is an effective use of time and resources due to the number of cases that would otherwise be logged and wrongly involve a full investigation. To date the team have dealt with and **closed 63 initial investigations** in addition to the 92 full investigations closed.

Figure 2: Number of cases on hand



4 Although the number of Enforcement Notices issued over the three quarters has reduced, this should be interpreted as the Enforcement team succeeding in achieving more resolutions and regularisations of the breaches identified. This is achieved through effective negotiations, liaison with the other departments, residents (both owners and complainants) and agents.

5 This information should go some way to providing a clearer understanding of the volume of work that has been undertaken by the team over the previous three quarters. An effective enforcement team sets out to reduce the number of complaints/Breaches of Planning Control that occur throughout the Borough. The above figures show that the current Enforcement team is consistently achieving this aim.

## **Total number of notices served**

Planning Contravention Notice served to ascertain alleged breach of planning control circumstances to assist investigation in advance of consideration of formal planning enforcement proceedings

## **Legal Action**

6 A High Court injunction was served in July 2021 on the owners and occupants of newly created travellers site in Horsemanside, Navestock. Matter with Legal Services for consideration of committal proceedings.

Injunction site previously served are kept under review, namely:

**Land Adj The Spinney, School Road, Kelvedon Hatch** served on 07/04/2020 (suspected impending traveller incursion on green belt land). Awaiting planning refusal appeal date (Public Inquiry appeal. Site remains unoccupied land.)

**Land at Five Acre Farm, Warley Street** served on 21/05/2020 (unauthorised travellers site to prevent further breaches on green belt land). Awaiting Public Inquiry appeal in February 2022.

**Land adj Elm Farm, Chelmsford Road** served on 27/07/2020 (suspected impending traveller incursion on green belt land)

Summons issued for magistrates court prosecution hearing for the criminal offence of failure to comply with the requirements of an Enforcement Notice. Court date is November 2021.

## **Consultation.**

7 None

## **References to Corporate Plan**

8 The Corporate Plan 2020-2025 identifies the Council's five key priorities, the most relevant to the service "Protecting our Environment". The success of the service is paramount in maintaining a high level of confidence within the Planning System. The Council's Enforcement Plan provides the Councils' priorities for enforcement action, provides transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers, in turn providing clarity for all parties engaged in the development process.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**

**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

21. This report is for noting and as such there are not direct financial implications. Any additional financial costs as a result of enforcement action has to be met from within existing resources.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

22. The power to issue an enforcement notice is discretionary. It should only be used where the Local Planning Authority is satisfied that there has been a breach of planning control and it is expedient to issue a notice, having regard to the provisions of the development plan and to any other material considerations.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning & Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

23. There are no economic implications arising from this report.

### **Background Papers**

- Item 545, Planning and Licensing Committee, 14 October 2020, Planning Enforcement Activity Overview

### **Appendices to this report**

- Appendix A: Planning Enforcement Activity (October – December 2020)

<b>Enforcement notices at appeal</b>				
<b>Case Number</b>	<b>Address</b>	<b>Breach</b>	<b>Notice Issued</b>	<b>Compliance/Appeal Status</b>
20/00090/UNOPDE	Land at The Bumbles, Mill Green Road, Mill Green	Unauthorised development of outbuilding for residential use	Sep-20	Appeal dismissed - requirements of Enforcement Notice for building to be demolished - Date for compliance Feb 2022
16/00080/UNOPDE	Craigielea, Chivers Road, Stondon Massey	Unauthorised Change of Use of land to residential use	March 2020 - withdrawn & re-issued Feb 2021	Enforcement Notice withdrawn and re-issued. Notice appealed, awaiting Public Inquiry date.
17/00102/UNLCOU	Land adj Oakwood, Little Hyde Lane, Ingatstone	Unauthorised change of use of land to residential curtilage	Jul-20	Enforcement Notice upheld and appeal dismissed. Date for compliance Feb 2022.
18/00008/UNOPDE	Hunts Farm, Old Church Road, Mountnessing	Unauthorised construction of a residential dwelling and change of use of land to builders yard	Nov-20	Enforcement Notice appealed - awaiting determination by Planning Inspectorate
19/00152/UNLCOU	Rustic Dene, Parkwood, Doddinghurst	Unauthorised subdivision of planning unit to create additional primary residence	Nov-20	Public Inquiry took place Nov 2021. Decision awaited.

20/00129/UNOPDE	St Ninians, Alexander Lane, Hutton	Unauthorised erection of a balcony not in accordance with the approved planning permission	Nov-20	Enforcement Notice appealed - awaiting determination by Planning Inspectorate
20/00107/UNLCOU	Riverside, Albyns Lane, Navestock	Unauthorised change of use of land to residential use and commercial use	Dec-20	Enforcement Notice appealed - awaiting determination by Planning Inspectorate
19/00103/UNOPDE	Five Acre Farm, Warley Street, Great Warley	Unauthorised change of use of land to residential travellers site	Feb-20	Enforcement Notice appealed - Public Inquiry to take place Feb 2022
15/00039/UNLCOU	Karma Court, Ashwells Rd, Pilgrims Hatch	Unauthorised change of use of land to residential use and commercial use	Sep-18	Enforcement Notice appealed - Public Inquiry to take place March 2022