

ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

3rd November 2020

Item 6 - 19/02123/OUT

Site At Ash Tree Farm Bishops Stortford Road Roxwell Chelmsford

Planning Enforcement

The Planning Enforcement history of the site is set out below.



History

2014 – Planning permission reference 14/01584/FUL (subsequently amended under permission reference 14/01584/MAT) gave permission to *retain use of land as groundworkers contractors yard, including the storage of plant materials and machinery. Reposition and retain containers and portable toilet, new diesel tank. Alter existing vehicular access onto Roxwell Road and undertake landscaping works. Two metre high chain link fencing.* In both instances the extent of the permission and the red line plan was clearly delineated to exclude the north east area of the site occupied by the mound of materials. The area that benefits from planning permission is outlined in blue on the above plan.

2015 - The Council received a public complaint on 6th May 2015 that a potential breach of planning control had occurred within the authorized yard and a planning enforcement investigation took place. This investigation included the pursuit of a failure of the occupant to secure compliance with a number of planning conditions tied to the above permission.

2016 - Planning Contravention Notice issued on the 23 March 2016 and requiring details of the alleged breach of planning control to be provided by the company JG Walker.

2017 - Upon inspection on 17th January 2017 officers became aware that that the land to the east appeared to be occupied by recently deposited earth and waste material. The soil appeared piled, at its largest quantity, along the northern boundary of the land, this was observed to be standing approximately at a height of 4 metre and tapered down eastwards to ground level. Officers observed that the entirety of the land had been subject to the deposition of soil however most of this appeared to have been levelled to a minimum height across its extent.

During another site inspection on 5th May 2017, officers observed that the earth bund had at the time of visiting majorly encroached onto the eastern parcel of land. At points this earth was piled at heights of 5 metres from ground level.

Breach of Condition Notice (15/00276/BOCN1) issued on the 11 May 2017 requiring the following steps to be taken: *'Ensure that no industrial activities or the processing of materials takes place on the land'*.

Breach of Condition Notice (15/00276/BOCN2) issued on the 11 May 2017 requiring the following works to be undertaken: *'All landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the next available planting season following the date of this permission. The landscaping shall be maintained, in accordance with the approved details, for a minimum period of five years.'*

Breach of Condition Notice (15/00276/BOCN3) issued on the 11 August 2017 requiring the following steps to be taken by the site operators: *'Cease the operation of goods vehicles in connection with the use of the land as a groundworkers contractors yard, including the storage of plant materials and machinery, outside the hours of 7 am to 6 pm Mondays to Fridays, 7 am to 1 pm on Saturdays or at any time on Sundays or on Bank or Public Holidays.'*

Officers then visited the site a considerable number of times in the intervening time period between June 2017 and May 2018 during which time the extent of material deposited within the appeal site neither was removed nor reduced to a satisfactory degree with the amount of material stored remaining vast.

2018 - On the 12th February 2018 the Council served a Planning Contravention Notice against the use of the appeal site for the manner concerned.

The Council obtained a report by Kalex Ltd setting out the quantity of material in weight present on the site, the amount of trips by heavy goods vehicle required to remove it and the extent of material beyond the permitted site area.

The Council requested that all material outside of the area authorized to be used by the contractor's yard be removed within twelve months from 4th June 2018. Officers carried out fortnightly site inspections to ensure that works were underway to remove the waste and materials from the appeal site.

2019 - On 13th June 2019, officers wrote to the ground workers firm setting out that the breach of planning control remained and providing a further two weeks in order to secure compliance.

On 27th June 2019 officers revisited the site and observed that much of the land to the east remained taken to the storage of waste material and the works requested had not been completed. It was clarified that the 1-year period to remove the earth had now expired and formal enforcement would be pursued.

2020 - On the 21st February 2020 the Council served a Temporary Stop Notice against the following activity; *i. the importation to and deposit and storage of waste and other materials on the Land, ii. the transfer of waste and other materials from the Land and iii. the operation of plant and other machinery on the Land.* This Notice required that all such activities ceased for a period of one month.

On 20th March 2020 the Council served an Enforcement Notice against the alleged use of the land *without planning permission for the deposit, storage and transfer of waste and other material.*

An appeal against the Enforcement Notice (ground (g) – more time for compliance should be allowed) was made only by Essex Waste. The Council's statement has been submitted and we are currently awaiting a decision from the Planning Inspectorate.

In October 2020 officers visited the site and observed that the site contained considerably more waste and material than was previously present; both within the area benefitting from Planning Permission and the land to the north-east. Further it was observed for the first time that industrial processes were underway to process waste using a screening machine.

Following the visit enquiries were made with the Environment Agency and officers ascertained that a permit had been granted to Essex Waste Limited (formerly JG Walker) to permit the treatment of waste to produce soil.

Moving Forward

The processing of the mass and quantity of waste present on the site now appears to be a matter for Essex County Council (Minerals and Waste Planning) (ECC) who can enforce against the deposition of such material and operations of this scale.

Officers are currently working with and having discussions with ECC about enforcement action at the site. ECC and CCC could work jointly to issue an Enforcement Notice to remedy both the storage of waste materials and the processing of them which is now occurring.

The Enforcement Notice issued by CCC, if upheld by the Planning Inspector, would seek to remedy the breach of planning control.

Additional Representation

Since the publication of the report, one additional representation has been made in support of the application. It states:

Section 1.4 of the officer's report suggests that the proposal would be harmful to the intrinsic character and beauty of the countryside. I would argue as a resident of Roxwell that the proposal would be an enhancement when considered against the current use of the site. A site visit would clearly show this.

It is also suggested that the proposal would be contrary to the linear nature of the settlement. The characteristics of the settlement has already been altered by the granting of permission and development of bungalows on land adjacent to Ashtree Farm. A precedent has already been set here.

Officer's report 1.5 fails to recognise the good footpath access to Roxwell from the site. I suggested my letter 7/2/20 that this could be enhanced through CIL funding for even better surfacing to aid walking and cycling to the school, shop and public house.

I note that Essex Highways have no objection.

Roxwell is identified as a service settlement in the local; plan. Currently Roxwell services are struggling to survive. Both the shop and the pub have been subject to periods of closure recently. Roxwell school and pre-school have capacity for additional pupils. With the mixed development proposed the prospect for greater use of local services is there. If the public house and shop closes where does that leave the definition of a service settlement in the local plan?

I understand that it is for the enforcement service to address the contravention of existing planning permissions but the local community have little confidence in that service having made representation to the planning authority for a number of years without success.

The application will lead to an enhancement of the area and support local service retention.