



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Jessica Ashbridge
Clerk to Clavering Parish Council
Via email

30/12/2019

Your ref:

Our ref: ENF/18/0311/C

Please ask for Sarah Marshall on 01799 510510
email: enforcement@uttlesford.gov.uk

Dear Sirs

RE UTT/19/2735/FUL: Retrospective application for change of use of annexe to separate dwelling at Robin Hill, Deer's Green

I am writing in response to your letter dated 20th December 2019 regarding the above matter.

The Council's planning enforcement team was made aware of an alleged breach of planning control at Robin Hill, Deer's Green, namely the material change of use of the outbuilding as a separate independent residential unit.

Where a breach of planning control is confirmed, unless there is irreversible harm the owners/developers have the right to apply for planning permission to regularise the breach. This allows for the development to be assessed against the local and national planning policies. In this instance the owners did apply for planning permission which was refused, reference UTT/19/0206/FUL. The owners could either have appealed the refusal, which we had been advised was going to be the course of action. However the owners decided to submit a further application in order to try and overcome the reasons for refusals. This is also an acceptable course of action as two of the reasons stated that there was a lack of information. If this application is refused then the Council will be taking swift enforcement action. This course of action is in line with the guidance set out in the National Planning Policy Guidance.

I must state that breaches of planning control are unlawful, not illegal. If the Council issue an enforcement notice and the requirements of the notice are not complied with, then it becomes a criminal offence.

Formal enforcement action should always be a last resort and a lack of any enforcement action is not a weakness of the Authority. I must also advise you at the present time enforcement appeals are not being dealt with by the Planning Inspectorate in a timely fashion as resources were taken away to remedy the delays in dealing with appeals against refusals of planning applications. In this case the case officer did discuss with the owners the appeal process, and as I said is what we had been advised was going to be the course of action by the owners.

You may also be aware that the enforcement team had staffing issues during the year, including a vacancy in the team for approximately 3 and a half months. This vacancy was the officer who deals with the west of the district including Clavering. With any new officer there is a period of settling in and coming to grips with an existing caseload as well as all the new files coming in. The staffing issues have now been resolved and those cases are now being dealt with.

I hope this clarifies the situation for you and answers your questions you have raised in your letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Marshall', with a stylized, cursive script.

Sarah Marshall,
Planning Enforcement Team Leader
Uttlesford District Council