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## **BREACH OF PLANNING CONTROL AT PENGELLY, MAPLE DRIVE, RAYLEIGH, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the construction of a driveway outside of the residential curtilage of this property within the Metropolitan Green Belt.
- 1.2 Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **2 INTRODUCTION**

- 2.1 The breach taking place is occurring in the field immediately north of the property. The owners claim that in order to facilitate movement into and out of, and also within this field, a hardcore driveway has been constructed.

### **3 PLANNING HISTORY**

- 3.1 There has been a previous investigation in 1996 by Officers with regards to the unauthorised creation of a driveway at this property. However, it was concluded that the hardstanding that had been laid was in fact within the curtilage of the property and was therefore permitted development. Following this an application for an extension to the garden was made but refused on Green Belt grounds in 1999 (ref. no. 00513/COU).
- 3.2 The current case came to Officers attention in July 2001 and the owner of the site was served a Planning Contravention Notice (PCN) asking various questions about the site. In the response it was admitted that the driveway was still in the process of being constructed, but that it was needed for access into and out of the field and to cover a drainage run from the adjacent dwelling.
- 3.3 Following the return of the PCN a letter was sent to the owner of the site advising him that the construction of the driveway represented a breach of planning control. This letter advised the owner to either remove the driveway or to apply in retrospect for its retention. However, a subsequent site visit revealed that neither had been done.

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**4 PLANNING ISSUES**

- 4.1 The construction of a driveway or any other hard surface, within the curtilage of a dwellinghouse, would not normally require express planning permission. However, in this instance the works have been constructed outside of the authorised curtilage and so are subject to normal planning controls.
- 4.2 The property is located within the Metropolitan Green Belt and so any development must be considered against Green Belt Policy. Policy GB1, as supported by Policy C1 of the Essex Structure Plan, states that permission will not be granted, except in exceptional circumstances, for purposes other than agriculture, forestry and mineral extraction, or for outdoor participatory sports.
- 4.3 It is felt that this driveway incrementally erodes the openness of the Green Belt. Comprising mainly of waste bricks and other hardcore, its appearance is unsightly and whilst it is argued that this will diminish over time, there is no guarantee this will occur. Moreover there is a strong possibility that further repair and maintenance etc. will prolong its appearance. Such development leads to a gradual urbanisation of the Green Belt, and as such, should be resisted on principle.
- 4.4 This report therefore seeks authority to serve a formal Notice requiring that the driveway and all associated hardcore be removed entirely from the site

**5 RECOMMENDATION**

- 5.1 It is proposed that the Committee **RESOLVES**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach now reported. (HPS)

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