

## **BREACH OF PLANNING CONTROL AT 12 TRINITY ROAD, RAYLEIGH, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding the erection of a garage at 12 Trinity Road, Rayleigh, without the benefit of planning permission.
- 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 THE ENFORCEMENT CASE**

- 2.1 The owner of the above property, which occupies a corner plot on the junction of Trinity Road and Leslie Road, has erected a detached building at the east end of the curtilage of the property. This has a door that opens directly over the highway.
- 2.2 Normally such detached outbuildings used for purposes incidental to the enjoyment of the dwellinghouse will benefit from permitted development rights under Schedule 2, Part 1, Class E of the General Permitted Development Order 1995 (as amended). However, one of the exemptions from these rights is development will not be permitted if “any part of the building or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than ... the part of the highway nearest to that highway...”. This is the case in this instance.
- 2.3 Negotiations have been initiated between the local planning authority and the owner, which have so far proved fruitless. Therefore authorisation to take further, formal action is required to remove this development which is prejudicial to highway safety and which does not benefit from permitted development rights.

### **3 LEGAL IMPLICATIONS**

- 3.1 Any action considered necessary through the Courts to remedy the breach.

**4 RECOMMENDATION**

4.1 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 of planning control now reported. (HPS)

Shaun Scrutton

Head of Planning Services

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