
ARTICLE 4 DIRECTIONS REMOVING PERMITTED DEVELOPMENT RIGHTS (TO ERECT MEANS OF ENCLOSURE AND TO SITE CARAVANS) ON LAND NORTH OF BULL LANE, RAYLEIGH

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the apprehended breach of planning control on land to the north of Bull Lane, Rayleigh. This land was sold by auction in 2001 and plots have been advertised locally. Prospective purchasers of the land have repeatedly called in requesting information regarding the planning status of the site and saying that they have been led to believe that permission for residential purposes will be a formality.
- 1.2 Members will need to consider whether it is expedient to seek Article 4 Directions and this is discretionary. However, the mechanisms of such actions are statutorily controlled.

2 THE ENFORCEMENT CASE

- 2.1 The sheer number of persons calling this office has led to the service of a Planning Contravention Notice on the owner of the whole site. He has explained that the site is to be subdivided into 26 plots. The local planning authority perceive a threat to the character of this land, which is designated as a part of a Special Landscape Area, the Roach Valley Nature Conservation Zone, an Area of Ancient Landscape and as Metropolitan Green Belt.
- 2.2 If this land is subdivided then it is possible that each new landowner may wish to erect a fence around their property. Permitted development rights allow for the enclosure of land. Walls, fences or other means of enclosure can be erected up 2.0m, unless adjacent to a highway where the maximum permitted is 1.0m. It is unlikely that the land will be granted residential use and new owners may attempt to create leisure plots, which would threaten the character of the site.
- 2.3 Given the threat of development, it considered appropriate to serve Article 4 Directions on the land. Article 4 Directions can be put in place by local planning authorities and the Secretary of State to remove certain permitted development rights.
- 2.4 It is likely that demonstrable harm would arise from the erection of multiple means of enclosure around plots. Given this it would seem reasonable to seek the removal of permitted development rights for the erection of means of enclosure. The local planning authority has powers to serve such a Direction on the land.

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- 2.5 It is also prudent to seek a removal of permitted development rights with regard to caravans. This would require approval by the Secretary of State. Again, following the reasoning behind the local planning authority's logic for taking a similar approach, such a Direction would appear reasonable.
- 2.6 The approach adopted above is consistent not only with the General Permitted Development Order 1995 (as amended), but also with the guidance provided within Annex D of Circular 9/95 (General Development Order Consolidation).

3 RESOURCE IMPLICATIONS

- 3.1 Should Article 4(1) or 4(2) Directions be confirmed on the land in question, then planning applications submitted for works, which would otherwise be permitted development, attract no fee. Also, a compensation liability for local planning authorities can arise from any reduction in the value of the land although research suggests this is a rare event.

4 LEGAL IMPLICATIONS

- 4.1 Any legal action required to ensure effective service and submissions to the Secretary of State.

5 RECOMMENDATION

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

That the Corporate Director (Law, Planning and Administration) be authorised to serve Article 4(1) and 4(2) Directions under the General Permitted Development Order 1995 (as amended) on the land in question to secure the remedying of the apprehended breach of planning control now reported. (HPS)

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