

## **BREACH OF PLANNING CONTROL AT “AREA TWO”, THE LIMEHOUSE, THE DRIVE, RAYLEIGH, ESSEX**

### **SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the laying of a hardstanding and the use of the land as a depot for the storage of vehicles, machinery and equipment, at The Limehouse, The Drive, Rayleigh, Essex.
- 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 This breach is occurring within the Metropolitan Green Belt and involves the clearance of the site and the laying of an informal hard surface. The cleared land is subsequently being used for the siting and storage of machinery / equipment (mechanical diggers, mobile generators, road rollers, vehicles etc), for the siting of a metal storage container and for the use of the site for the storage of security fencing / barriers etc. apparently used in conjunction with a groundworks business.

### **3 THE PLANNING HISTORY OF THE SITE**

- 3.1 This matter was first brought to officers' attention in October 2002, and following visits it was revealed that the site was being used for the above mentioned use.
- 3.2 Further investigations into this site revealed that an application had been made for a Lawful Development Certificate (LDC) although this was refused (99/00740). An appeal was then lodged but was held in abeyance since a further LDC was submitted (02/879) in respect of the same uses (albeit with more supporting information that had been provided with the initial LDC submission. This second LDC was subsequently partially granted.
- 3.3 However, this approved Certificate did not include either the greenhouses within the centre of the site nor the area known as Area Two. Nonetheless, the appeal against the decision to refuse the initial LDC application has now been re-activated and will be determined, via a public inquiry, in June 2003. The claim by the appellants is that this use has occurred for in excess of ten years and is thus immune from enforcement action. However, reports from a nearby resident, along with aerial photographs, suggest that this is not the case and that as recently as 1999 the land was covered in trees and other vegetation.

- 3.4 In view of this the owners were given a deadline within which to cease using the land for such purposes, remove the hardstanding, machinery and equipment and to commence restoring the land to its previous condition. An inspection following the expiration of this deadline revealed they had not and the decision to request authorisation for further, formal enforcement action was taken. Such action, involving the issuing of an Enforcement Notice will, if approval is forthcoming and any Notice is then appealed against, hopefully run via the same public inquiry as the LDC appeal.

#### **4 PLANNING ISSUES**

- 4.1 This site lies within the Metropolitan Green Belt, where there is a general presumption against development. The use of this land has historically been as part of the original nursery use although aerial photographs suggest that no specific use has ever been made of this piece of land.
- 4.2 The siting of a metal storage container, machinery, equipment, vehicles and the laying of a hardstanding all lead to a gradual erosion of the openness of the Metropolitan Green Belt. Such uses appear incongruous, and detract from the open views across the green belt. These uses are also both contrary to both Policy GB1 and GB4 of the Rochford District Local Plan. GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB4 states that open storage uses within the Green Belt will not normally be permitted.
- 4.3 Furthermore, this area of land occupies a strategic “wedge” of Green Belt between the built up areas of Rayleigh and Southend. To allow this use to continue would greatly disturb the rural feel of this area and would further lead to a coalescence of the previously distinct built up areas.
- 4.4 In view of the detrimental effect that the storage of these vehicles, equipment, machinery etc, the construction of a hardstanding and the siting of the metal storage container has on both the open nature of the site, and also on views in and out of it, this Enforcement action seeks to secure the cessation of this land for the siting of a metal storage container and for the siting of machinery, vehicles, equipment and other items. Finally, it will also seek the removal of all hardstanding, the return of the land to its previously grassed / vegetated state and the retention of said land in that form thereafter.

#### **5 RECOMMENDATION**

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

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported. (HPS)

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