
BREACH OF PLANNING CONTROL ON LAND AT BURLAND, LOWER ROAD, HOCKLEY, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the siting and residential occupation of a mobile home, outside of the residential curtilage at Burland, Lower Road, Hockley, 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 matter was brought to officers' attention following reports from the local parish Council. The site was visited and it was found that the mobile home was in fact being used for residential accommodation.
- 2.2 The breach is occurring on land within the Green Belt where such uses are normally resisted unless essential for agricultural etc. Indeed, the property and land was formerly used for agricultural purposes but this use ceased in 2000 following the death of the current occupier's husband.

3 PLANNING HISTORY

- 3.1 Permission was granted in August 1994 (reference no. CU/0546/93/ROC) for the conversion and extension of an agricultural building to form a bungalow on this site. This was subject to the standard "agricultural occupancy" condition i.e. that it should only be occupied by those employed in agriculture or their dependants, *widows* of such, etc. Work commenced on the dwelling sometime after, but even today, this has not yet been completed and the bungalow is currently uninhabitable.
- 3.2 Following the death of her husband, the owner of the property no longer had adequate finance to complete these works and so was forced to continue residing in the mobile home. The breach involves the siting and residential occupation of this mobile unit, by the site owner and her granddaughter. The owner was served a Planning Contravention Notice and within her response to such admitted that she was permanently residing within the mobile home; a use which she claims commenced in 1995.

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- 3.3 The owner was then invited to apply for a temporary planning permission for the retention of this mobile home, but this was not forthcoming because she was unable to afford the costs of applying.
- 3.4 The owner is also in the process of applying to this Council for a Renovation Grant to assist with the cost of completing the outstanding works to the property. Following an appeal against an earlier refusal, this grant was offered in October 2001. It is therefore anticipated that works to complete the bungalow will commence within the very near future.

4 PLANNING ISSUES

- 4.1 The site is situated in the Metropolitan Green Belt, and as such there is a general presumption against development. Policy GB1 states that planning permission will not be granted for new buildings for purposes other than agriculture, mineral extraction or forestry, small-scale facilities for outdoor participatory sport, or similar uses which are open in character.
- 4.2 Furthermore, Policy GB5 states that permission will not be given, within the Green Belt, for a change of use involving open storage. The mobile home here is sited outside of the residential curtilage of Burland, and as such contributes, however incrementally, to a gradual reduction in the openness of the Green Belt.
- 4.3 Whilst the conversion to a bungalow was approved on the condition that it be used by those employed, or last employed, in agriculture, there is no justification for the siting of a further means of residential accommodation on this site.
- 4.4 The deadline, for a change of use such as this, within which Enforcement action must be brought is ten years. Technically therefore, if this breach is allowed to continue for a further 4 years or so it will become "lawful" for planning purposes. The authority could then be faced with two lawful dwellings on the site; the mobile one with no restriction on occupation. This would be contrary to Green Belt policy.
- 4.5 Nonetheless, the owner's predicament is appreciated. Contact has been made with her and a compromise suggested. This involves a situation where this Council could initiate formal proceedings to protect its position but on the basis that adequate time be given, in any formal Notice, for the outstanding works to the bungalow to be completed. The mobile home would then be removed from the site. Therefore this Enforcement action would take into account the circumstances of the occupier of the mobile home.
- 4.6 It is imperative that in order to uphold Green Belt policy, Enforcement action be authorised. However, it is proposed that the final date for the

removal of the mobile home from the site would be adjusted to reflect the timetable for the completion of the bungalow.

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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Head of Planning Service

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C/286/3/96

Rochford District Council

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Longfield

Drain

ETL

1.52m RH

4.3m

BM 3.77m

6152

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