
**ARTICLE FOUR DIRECTIONS REMOVING PERMITTED
DEVELOPMENT RIGHTS (TO ERECT MEANS OF
ENCLOSURE AND TO SITE CARAVANS) ON LAND
SOUTH OF ASHINGDON RIDING CENTRE,
CANEWDON ROAD, ASHINGDON, ROCHFORD,
ESSEX**

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 south of Ashingdon Riding Centre, Canewdon Road, Ashingdon, Essex. This land is a piece of open land located to the north of Rochford outside the established residential area. The land has recently been pegged out into small plots with short coloured stakes.
- 1.2 Members will need to consider whether it is expedient to seek Article Four Directions and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

2 THE ENFORCEMENT CASE

- 2.1 The matter was brought to officers' attention by a member of the public who provided a plan with small plots marked out on this area of land. It is clear from previous experience of this kind of development where land is divided into plots and marked on the ground with stakes that the intention is for the site to be sold off in individual plots. The plan shows clearly defined plots with marks to indicate where a plot has been sold. As such, there is a threat to the character of the land, which is within the Metropolitan Green Belt and within an area designated as a Roach Valley Nature Conservation Zone and on the edge of a Landscape Improvement Area.
- 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 with walls, fences or other means of enclosure up to a height of 2 metres, unless adjacent to a highway where the permitted maximum is 1 metre. It is highly unlikely, given its location within the Green Belt, that the land will be granted permission for residential use and the new owners may attempt to create leisure plots, which would be a threat to the open character of the site.
- 2.3 Given the threat of any development on the character and openness of the area, it is considered appropriate to serve Article Four Directions on

the land. Such 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. It would thus seem reasonable to seek the removal of permitted development rights for the erection of any means of enclosure. The Local Planning Authority has powers to serve such a Direction where it is deemed necessary.
- 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, as the reasoning behind this would be similar to the above, such a Direction would appear reasonable.
- 2.6 The approach adopted is consistent with the guidance provided within Annex D of Circular 9/95 (General Development Order Consolidation).

3 RISK IMPLICATIONS

3.1 Strategic Risk

The sale of small plots of land from larger sub-divided fields in the Metropolitan Green Belt poses a serious risk to the visual character and appearance of the District, and undermines the key principles of Green Belt policy.

4 RESOURCE IMPLICATIONS

- 4.1 Should Article 4(1) and / or 4(2) Directions be confirmed on this land then planning applications submitted for works, which would otherwise be permitted development, would attract no fee. Also, a compensation liability for Local Planning Authorities can arise from any reduction in the value of the land.

5 LEGAL IMPLICATIONS

- 5.1 Any Legal action required to ensure effective service and submissions to the Secretary of State.

6 RECOMMENDATION

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

That the Head of Planning Services be authorised to make arrangements for Article 4(1) and 4(2) Directions to be served on the land in question, under the General Permitted Development Order (1995) (as amended), to secure the remedying of the apprehended breach of planning control now reported.

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Head of Planning Service

Background Papers:

None

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