
ARTICLE FOUR DIRECTIONS REMOVING PERMITTED DEVELOPMENT RIGHTS (TO ERECT MEANS OF ENCLOSURE AND TO SITE CARAVANS) AT WOODLANDS, THE DRIVE, RAYLEIGH

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the apprehended breach of planning control on woodland at The Drive, Rayleigh. This land was sold at a local property auction on Wednesday 7 July 2004, subdivided into 5 individual plots.
- 1.2 Members will need to consider whether it is expedient to serve Article Four Directions etc, and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

2 PLANNING HISTORY OF THE SITE

- 2.1 A concerned resident, who had the Auction List, first brought this matter to officers' attention. The plan in the Auction List showed the woodland divided up into 5 plots, each with lot numbers (Lots 11-15) and were described as "plots of investment land".
- 2.2 A site visit has revealed that the land is densely covered with trees, brambles and other vegetation, which is subject to a general tree preservation order. The plots have not yet been subdivided. However, officers have received several phone calls regarding these plots and are concerned that they have all been sold separately and so the new owners may want to section off their plots with fencing. 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 new owners may attempt to create leisure plots, which would be a threat to the character of the site.
- 2.3 Not only is this site located in the Green Belt, it also acts as an important buffer between Rayleigh and the Southend Borough, so it is important to retain this land as woodland to prevent the coalescence of Rayleigh and Southend. Given the threat of any development on the character 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 therefore 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 deems it 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 PLANNING AND HUMAN RIGHTS ISSUES

- 3.1 The Human Rights issues were considered, but these did not appear to outweigh the serious environmental concerns.

4 RISK IMPLICATIONS

4.1 Strategic Risk

The Council is required to produce a Local Plan detailing the Authority's policies in the District and the Authority should demonstrate its commitment to delivering the aims and objectives in line with this document.

4.2 Resources Risk

The Council may be liable for costs incurred during the defence of any appeal including the appellants' claims for costs if the Authority's action is judged to be unreasonable. Costs may also be claimed during legal action to obtain compliance with a notice.

4.3 Reputation Risk

If action is not taken in this case this Council will be seen to not implement its policy objectives to the full. A precedent may also be set making it difficult for the Authority to resist similar unauthorised development. Consequently unless it is serious in its commitment to ensure development is in accord with Local Plan policies, these very policies will be undermined.

5 RECOMMENDATION

- 5.1 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 under the General Permitted Development Order (1995) (as amended) to be served on the land in question to secure the remedying of the apprehended breach of planning control now reported.

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Background Papers:

None

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