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## **BREACH OF PLANNING CONTROL AT CROUCH VIEW, LARK HILL ROAD, CANEWDON**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services concerning the erection of a wooden structure on the site, without the benefit of planning permission.

### **2 INTRODUCTION**

- 2.1 Following a complaint about this site in September, investigations have been undertaken. Despite reassurances from the owners that they are simply replacing a former structure on the site in the same location, the replacement is considered to be inappropriate and without the benefit of planning permission.
- 2.2 The site lies on a south facing slope and hidden away in a grown out hedge over the brow of the hill a wooden structure has been erected. The structure is built from wooden pallets, which have been broken up and reconstituted. The structure has a sheet metal roof (not corrugated) and has a wooden door and uPVC double glazing windows.
- 2.3 A significant amount of vegetation has been removed to enable the southern end of the building to be accessed. It appears that the structure could be used for the stabling of horses, with a rest room or tack room alongside. The site as a whole is untidy in nature and poorly fenced to provide grazing land for two horses.

### **3 POLICY IMPLICATIONS**

- 3.1 The site lies within the Metropolitan Green Belt, Special Landscape Area, Landscape Improvement Area and Coastal Protection Belt as defined in the Rochford District Local Plan. By reason of its appearance and siting this development is considered to be contrary to these policies. The green belt policy (GB1) states that:

“WITHIN THE GREEN BELT PERMISSION WILL NOT BE GIVEN, EXCEPT IN VERY SPECIAL CIRCUMSTANCES, FOR THE CONSTRUCTION OF NEW BUILDINGS OR FOR THE CHANGE OF USE OR EXTENSION OF EXISTING BUILDINGS (OTHER THAN REASONABLE EXTENSIONS TO EXISTING BUILDINGS AS DEFINED IN POLICIES GB2 AND GB7), FOR PURPOSES OTHER THAN AGRICULTURE, MINERAL EXTRACTION OR FORESTRY, SMALL-SCALE FACILITIES FOR OUTDOOR PARTICIPATORY SPORT AND RECREATION, INSTITUTIONS REQUIRING LARGE

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“GROUNDS, CEMETERIES OR SIMILAR USES WHICH ARE OPEN IN CHARACTER.”

- 3.2 The Essex Structure Plan also has a Green Belt policy (S9) with similar wording, which is applicable to this case.
- 3.3 With regard to the Special Landscape Area, the policy (RC7) states that:

“WITHIN THE SPECIAL LANDSCAPE AREAS IDENTIFIED ON THE PROPOSALS MAP, IN ADDITION TO ANY OTHER POLICIES SET OUT ELSEWHERE IN THIS WRITTEN STATEMENT, THERE WILL BE A PRESUMPTION AGAINST DEVELOPMENT UNLESS ITS LOCATION, SITING, DESIGN, MATERIALS AND LANDSCAPING ACCORD WITH THE CHARACTER OF THE AREA IN WHICH THE DEVELOPMENT IS PROPOSED.”

- 3.4 With regard to the Landscape Improvement Area, the policy (RC8) states that:

“WITHIN LANDSCAPE IMPROVEMENT AREAS ... THE LOCATION, DESIGN, SITING AND MATERIALS USED IN DEVELOPMENT SHOULD BE OF A HIGH STANDARD AND IMPROVE THE CHARACTER OF THE AREA IN WHICH IT IS PROPOSED...”

- 3.5 With regard to the Coastal Protection Belt, the policy (RC9) states that:

“THE LOCAL PLANNING AUTHORITY WILL GIVE PRIORITY TO THE PROTECTION OF RURAL AND UNDEVELOPED AREAS OF THE COASTLINE AND INLETS. NO APPLICATION TO DEVELOP WILL BE CONSIDERED UNLESS IT IS SHOWN THAT THE DEVELOPMENT NEEDS A COASTAL LOCATION AND WILL NOT ADVERSELY AFFECT THE OPEN AND RURAL NATURE OF THE COASTLINE, OR ITS WILDLIFE.”

- 3.6 Together the Essex Structure Plan and Rochford District Local Plan are the constituent parts of the development plan as defined by Section 54A of the Town and Country Planning Act 1990 (as amended). The development is not considered to fall within any of the exemptions stated in the policies and therefore is considered to be contrary to development plan policies.

#### **4 LEGAL IMPLICATIONS**

- 4.1 Any action considered necessary through the Courts to remedy the breach.

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**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 of planning control now reported. (HPS)

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