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## BREACHES OF PLANNING CONTROL AT HIGH HOUSE FARM, BARLING MAGNA, ESSEX

### 1 SUMMARY

- 1.1 To consider the report of the Acting Head of Planning Services concerning the breach of conditions 07 and 09 of Planning Permission CU/0150/91/ROC relating to the provision of car parking spaces and hours of operation.
- 1.2 The above breaches of control were first reported to the Planning Division in September and October 1999 respectively. Condition 07 of Planning Permission CU/0150/91/ROC specifies that car parking spaces within the site should be provided and maintained "free from any impediment". The designated car parking spaces, as defined in the accompanying plan to the permission, are at present blocked by a portable cabin type structure. Condition 09 of the same Planning Permission specifies that commercial activity shall not take place between certain hours e.g. after 6.00pm or before 8.00am weekdays. Evidence provided by the neighbours indicates that the condition is not being observed and that the site is being used outside these hours.
- 1.3 The site, which has been subject to enforcement investigations on and off for some years, gained consent in 1991 to use the redundant farm buildings for business and storage/distribution uses. This change of use required conditions to be imposed in order to maintain adequate necessary control over the development.
- 1.4 The site is within the Metropolitan Green Belt where there is a presumption against development other than that related to agriculture, forestry, etc. However, it may be argued that the cabin's use as an office in conjunction with the taking of the turf from the field adjacent is an agricultural one, and, as such, the siting of such a structure does not conflict with Policy GB1 of the Local Plan and Policy S9 of the Essex Structure Plan. Nonetheless, the site is no longer used for purely agricultural activities and the cabin's siting, as well as being visually intrusive, reduces the amount of car parking available on the site for the other commercial uses and is clearly a breach of condition 07. This in turn could result in parking occurring elsewhere causing traffic congestion problems on and off site to the detriment of highway safety and the amenities of residents nearby. Furthermore the possible spillage of parking onto adjacent Green Belt land would impair the visual amenities of the area and reduce the openness of this rural location contrary to the above policies.
- 1.5 The site is also within the Coastal Protection Belt; Policy RC9 of the Local Plan makes a general presumption against development that adversely affects the open and rural character of the coastline. The above effects would be contrary to this policy.

- 1.6 The site is also within the Roach Valley Nature Conservation Zone, but Policy RC5, referring to the retention of wildlife habitats, does not appear to be affected.
- 1.7 The amenities of the occupiers of residential properties close to the site have been affected by commercial activity occurring on site outside the hours permitted by the consent. Activity has been reported before 8 am in the morning, sometimes involving machinery, which has been compounded by the addition of security lighting to the building, in breach of condition 02 of the consent which states that no form of illumination may be installed at the site. However, the security lighting is now subject to a planning application which is currently being considered.
- 1.8 There has been correspondence between the relevant parties to try to resolve matters, but this has resulted only in an application for the security lighting. The operation of the site outside permitted hours has continued even though formal action has been threatened, and the cabin remains on site.

## **2 RESOURCE IMPLICATIONS**

- 2.1 There are no direct implications for the Local Planning Authority arising from this matter other than the normal resource implications in consequence of the recommendation.

## **3 LEGAL IMPLICATIONS**

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

## **4 PARISH IMPLICATIONS**

- 4.1 Within the Parish of Barling Magna.

**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 breaches of planning control now reported. (AHPS)

Shaun Scrutton

Acting Head of Planning Services

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