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## **LAND BETWEEN 18- 24 HILLSIDE ROAD, EASTWOOD, LEIGH ON SEA, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the use of the land for the storage of building materials and the erection of buildings for the purposes of this use.
- 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 The site is located within a residential area to the north east of Rayleigh. The site is a vacant plot within an existing residential area. The breach involves a local building company using this land for the storage of building materials, including paving slabs, pallets of bricks, fence panels, sand etc. There are two buildings on site, which are both thought to have been erected within the last 4 years. The first building is fairly incongruous in this residential setting and is located towards the front of the site. This is constructed with corrugated sheets of metal and is clearly visible from Hillside Road. The second building is fairly modest and located further back towards the rear of the site and is of a similar design to a domestic garden shed. The site does not benefit from a valid planning permission and so this use and construction of two buildings represent a breach of planning control.

### **3 PLANNING HISTORY OF THE SITE**

- 3.1 This matter was first brought to officers' attention in April 2004. An inspection of the site was undertaken and it was found that the site was fenced off with security fencing and was vacant apart from two buildings and a substantial amount of building materials. Monitoring site visits have revealed that the items vary between visits in both volume and the items stored.
- 3.2 The owner contacted this Authority in response to the officer's site visit and verbally informed us that he had used the land for this purpose for the past 6 years. A Planning Contravention Notice (PCN) was then served to establish the extent of the use. In response the owner stated that the use was for his own personal use since 1988. However, contrary evidence gathered from aerial photographs suggests that the land has only been used for this purpose and the buildings were constructed within the last 5 years.
- 3.3 The owner has been advised to either submit an LDC for the use or to relocate the items to an appropriate location and he was furthermore advised to contact Ms Susan Rom, the Council's Economic Development Officer, for advice on an alternative location.

#### **4 PLANNING AND HUMAN RIGHTS ISSUES**

- 4.1 Policy H24 in the Local Plan First Review (1995) states that  
*“In order to safeguard amenities, proposals for development considered likely to significantly damage the character of the residential areas will not normally be permitted.”*
- 4.2 The commercial use of this site for the open storage of building materials is detrimental to the visual amenity and to the general character of this neighbourhood. The number of visits to the site is also detrimental to the surrounding area, by virtue of the volume of traffic and also the size of vehicles and the noise created from such vehicles.
- 4.3 The Human Rights issues for the owner of the site were considered but these did not appear to outweigh the serious environmental concerns. The human rights of the neighbouring properties from this unauthorised use also need to be considered.

#### **5 RISK IMPLICATIONS**

##### **5.1 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.

##### **5.2 Resources Risk**

The Council may be liable for costs incurred during the defence of any appeal including the appellant's 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.

##### **5.3 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 accordance with Local Plan policies, these very policies will be undermined.

#### **6 RECOMMENDATION**

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

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported.

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Head of Planning Services

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**Background Papers:**

None

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