

BREACH OF PLANNING CONTROL ON LAND AT LONGFIELD, LOWER ROAD, HOCKLEY, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the siting and residential occupation of two mobile caravans on land at Longfield, Lower Road, Hockley, Essex.
- 1.2 This matter is presented to Members to advise that action has already been taken on the above site. Following agreement from Members in January 2002, delegated authority was provided to take formal enforcement action against breaches of planning control involving the stationing and residential use of caravans. This delegation was forthcoming on the grounds that a report would be prepared and presented to the Planning Services Committee at a meeting following the service of any formal Notices. This report would merely take the form of an update so that Members are made aware of the formal action that has been taken.

2 PLANNING HISTORY

- 2.1 This matter was first noticed during Officer's investigations of a different breach of planning control on the same site. It was noted that there were a two mobile home type caravans stationed on the site that were apparently in use for residential purposes.
- 2.2 A study of the history of this site revealed that there was a temporary consent granted for the stationing of a single caravan on site. Successive permissions allowed this use until the final consent expired in 1997.
- 2.3 A dwelling on the site was approved, at appeal, in 1990 (ROC/1151/88). A subsequent application for a minor re-siting of this bungalow was approved in 1995 (F/0364/95/ROC). This permission was implemented, in that works were commenced, and the consent remains extant.
- 2.4 Contact was made with the site owners and they were invited to either remove the caravans, to apply, retrospectively for their retention, or, if they felt that the caravans had been used residentially on site for in excess of ten years, to make an application for a Lawful Development Certificate (LDC).
- 2.5 The site owners chose to apply for an LDC (02/612/LDC) but this was refused by the Authority in December 2002. The view was taken that there had only been a breach of planning control on this site since 1997 and that, therefore, no immunity under the ten year rule had been

achieved. Following this the file was forwarded to the Authority's Legal Department and an Enforcement Notice was served against this use in March 2003.

3 PLANNING ISSUES

- 3.1 The site lies within the Metropolitan Green Belt where such uses and structures are generally unacceptable. The appearance of these developments is visually intrusive in this rural area by reason of the siting of the developments, their position on the site and by the temporary design and appearance. Their presence reduces the openness of the Green Belt contrary to the policies of the Rochford District Local Plan.
- 3.2 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...of existing buildings..."* The similarly worded Structure Plan Policy C2 states that *"Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed."*
- 3.3 The residential use of this site is not required for any agricultural purpose and no exceptional circumstances have been brought to the Local Planning Authority's attention. The development is therefore contrary to Green Belt Policy.
- 3.4 Policy RC8 and RC9 of the Rochford District Local Plan relate respectively to development within the Landscape Improvement Area and the Coastal Protection Belt. RC8 requires all development to be of a high standard of design. Whilst not buildings in themselves the two mobile homes have a similar presence and are not of a high design standard, forming as they do an incongruous appearance in this open and rural area. Furthermore, Policy RC9 states that no development will be allowed within the Coastal Protection Belt unless it can be shown that the development needs a coastal location. These developments would not appear to require such a location.
- 3.5 It was considered necessary that in order to uphold primary Green Belt and other policies, and to ensure that no additional units of residential accommodation could become established on the site, Enforcement action be taken. The Enforcement Notice that was served requires the caravans to be removed within 12 months, or whenever the authorised dwelling on site is completed, whichever was the sooner.

4 RECOMMENDATION

4.1 It is proposed that the Committee **RESOLVES**

To note and support the decision of the Head of Planning Services to take all necessary action to secure the remedying of this breach.
(HPS)

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