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## BREACH OF PLANNING CONTROL ON LAND AT 8 STANLEY ROAD, ASHINGDON, ESSEX

### SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the operation of a limousine hire business, including the parking of up to four stretch limousines, from 8 Stanley Road, Ashingdon.
- 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 A member of the public who was concerned about the detrimental impact that the use was having on their residential amenity brought this matter to the attention of this Authority late last year.
- 2.2 A Planning Contravention Notice (PCN) was served on the owners of No 8. In response they claimed that the use commenced in December 2001 (although this Authority first received a complaint in the final week of November 2001)
- 2.3 The property owner claims the use involves three limousines although inspections of the site, and reports from neighbours, have revealed that there are occasionally up to four limousines parked either on the driveway of the property or on Stanley Road itself. Whilst this Authority can only enforce the use at the property itself contact has been made with the Police and the Highway Authority to see if there is any action they are prepared to take against the obstruction of the Highway.
- 2.4 Contact was made with the operators of the business and they were offered advice on relocating the business. They were also advised that should a retrospective planning application to retain the use not be submitted, or the use not cease, then this Authority would need to consider the expediency of further action. When no application was submitted, and the use continued, it was left for this Authority to investigate the next possible steps.

### 3 PLANNING ISSUES

- 3.1 Policy EB6 of the Rochford District Council Local Plan deals with non-conforming uses and states that *"where existing employment development seriously inhibits the development of land for an allocated purpose, or has a serious adverse effect on residential...amenities, the Council may consider using its powers...to secure its relocation or*

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*extinguishment.* Policy H24 goes on to indicate that “in order to safeguard amenities, proposals for development considered likely to significantly damage the character of residential areas will normally not be permitted.”

- 3.2 The use of this site as a base for a limousine hire business causes detriment to the residential amenities of the surrounding area and properties. This is partly due to the detrimental visual impact that the parking of a vehicle on the front of this property causes, as well as partially due to the fact that the site frontage is so confined that when a limousine is parked here it must be parked across the footpath. This highway problem is compounded by the parking and turning of vehicles on what is a fairly constrained site frontage.
- 3.3 Whilst not wishing to stifle business initiative, this Authority will seek to take Enforcement action against any non-conforming uses such as this, in accordance with Government guidelines on such matters, where they are detrimental to the amenities of the surrounding area.
- 3.4 The site owner was offered the opportunity to discuss possible alternative sites with this Authority’s Economic Development Officer but chose not to exercise this option. In view of the owners lack of co-operation the decision was taken to seek authorisation for formal Enforcement action that will seek the removal of all limousines from this site.

#### **4 RECOMMENDATION**

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 now reported

Shaun Scrutton

Head of Planning Services

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#### **Background Papers:**

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