
BREACH OF PLANNING CONTROL ON LAND AT GREENACRES, PARK GARDENS, HAWKWELL, 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 site for the storage of waste (timber / cardboard / domestic / household etc) and for the storage of building equipment (scaffolds / bricks etc) on land at Greenacres, Park Gardens, Hawkwell, Essex
- 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 This breach is occurring within the Metropolitan Green Belt on a site immediately adjacent to both the residential envelope and the gardens of residential properties themselves. The breach involves the storage and dumping of waste, and also the storage of building materials on the site.

3 THE PLANNING HISTORY OF THE SITE

- 3.1 This matter was brought to Officers' attention in early 2001. An inspection of the land revealed that it was being used to store waste and building materials. The owner was sought and contacted and a request was made to clear the land. A subsequent inspection revealed the land was clear.
- 3.2 Further reports were then received that the land was again being used for the storage of waste. The owner was served with a Planning Contravention Notice and in his response claimed that the land was subject to unauthorised fly-tipping. In response, Officers explained that, as landowner, he was responsible for its clearance. A further request was made to clear the site but compliance was not forthcoming and it falls to consider the expediency of further, formal Enforcement action.

4 PLANNING ISSUES

- 4.1 This site lies within the Metropolitan Green Belt, (MGB) where there is a general presumption against development.

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- 4.2 The siting / storage of the building materials and waste in the open, as in this case, leads to gradual erosion of the openness of the MGB. Such a use appears incongruous and detracts from the appearance of the Green Belt. These uses are also contrary to both Policy GB1 and GB5 of the Rochford District Local Plan (RDLP) as well as other Green Belt policies in the Structure Plan and nationally. GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB5 states that open storage uses within the Green Belt will not normally be permitted.
- 4.3 The site is also located adjacent to a residential area and the continued use of the site for such storage purposes is likely to have a significant impact on the residential amenities of nearby properties. This use is therefore contrary to Policies H24 and EB6 of the RDLP which deal with safeguarding amenities in residential areas and the issue of non-conforming uses respectively.
- 4.4 In view of the detrimental effect that the storage of these building materials and waste have on both the open nature of the site, and also on views in and out of it and on the surrounding residential areas, this Enforcement action seeks to secure the cessation of this land for the siting and storage of these items.

5 RECOMMENDATION

- 5.1 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. (HPS)

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Head of Planning Service

Background Papers:

None.

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