
BREACH OF PLANNING CONTROL AT 34 HILLCREST AVENUE, HULLBRIDGE

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the unauthorised change of use from residential to mixed use, including the operation of a commercial sandwich making business from 34 Hillcrest Avenue, Hullbridge.
- 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 THE ENFORCEMENT CASE

- 2.1 Complaints have been received regarding this use and the harm caused to residential amenity by virtue of the parking of commercial vehicles, the delivery and collections made to the property and the timing of such activities.
- 2.2 The owners of the property have legally declared on a Planning Contravention Notice that they:
- Employ 2 full time and 5 part-time staff at the premises;
 - Work from 0445hrs through until 1300hrs Monday to Friday and occasionally at weekends;
 - That they have four vehicles based at the property and used in connection with the business; and
 - They do not pay commercial rates, only Council Tax.
- 2.3 Such a mixed use of a residential property represents a material change of use, as defined by S.55 of the Town and Country Planning Act 1990 (as amended), that would require planning permission.
- 2.4 It is unlikely that such a change of use would be granted planning permission. S.54A of the Town and Country Planning Act 1990 (as amended) requires that determinations should be made in accordance with development plan policies unless material planning considerations dictate otherwise. In this case the development would be contrary to policies H24 (safeguarding of residential amenity) and EB6 (non-conforming uses) of the Rochford District Local Plan (RDLP).

3 CONCLUSIONS

- 3.1 The development is causing demonstrable harm to residential amenity. This is caused by the disturbance caused by parking, deliveries, collections and anti-social hours of working. The development is contrary to development plan policies and no material planning considerations would appear to outweigh the policy objections to this use. The development is therefore unlikely to gain planning permission and the breach requires remedying.

4 LEGAL IMPLICATIONS

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

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 breach of planning control now reported. (HPS)

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