

---

## **BREACH OF PLANNING CONTROL AT FAIRWAYS GARDEN CENTRE, HULLBRIDGE ROAD, RAYLEIGH, ESSEX**

### **SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the change of use of land from a garden centre, to mixed use for the operation of a scaffolding business with scaffolding/vehicle storage and a garden centre.
- 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 the authorised Fairways Garden Centre site on Hullbridge Road, Rayleigh. The use in question is located within a compound, away from the garden centre use, along the western boundary of the site. It involves the open storage of equipment apparently used in connection with a scaffolding business. For example – scaffolding poles, scaffolding planks, other ancillary equipment, as well as vehicles used in connection with this business use.

### **3 HISTORY**

- 3.1 As some long standing Members will be aware there is a considerable planning history to this site. However, rather than detail and describe each of permissions, enforcement actions, etc. it would appear necessary to concentrate on the main and relevant history. Basically this is that the extended site has been an authorised garden centre since the 1970's. Since that time permission has been granted for a number of ancillary buildings (e.g. a café building) and uses (e.g. caravan sales). Other, unauthorised developments have been the subject of enforcement action.
- 3.2 Following one such action, the site was visited earlier this year to check the level of compliance with an Enforcement Notice concerning a change of use. Although that use had ceased, it was found that the current one had replaced it.
- 3.2 Contact was made with the site owner, informing him that the use of this land for open storage was unacceptable within the Green Belt. A deadline of 28 days was given in which to cease the use of the site and remove all items thereon. A further visit has revealed that the use had

---

not ceased, and so the decision was taken to seek authorisation for formal enforcement action.

#### **4 PLANNING ISSUES**

- 4.1 The site is located within the Metropolitan Green Belt and in order to maintain the open nature of land such as this it is important that development proposals continue to be strictly controlled.
- 4.2 One of the prime objectives of Green Belt policy is to limit the number of people working within the Green Belt, and thereby contain the amount of general activity therein. If this use were allowed to remain within the Green Belt it would not only lead to a further erosion of the countryside, but would also create additional activity within the Green Belt, by virtue of the callers to and from this business activity.
- 4.3 Policy GB1 reads: -  
*“Within the Green Belt permission will not be granted, except in very special circumstances, for the construction of new buildings or for the change of use or extension of buildings...for purposes other than agriculture, mineral extraction or forestry, small-scale facilities for outdoor participatory sport and recreation, institutions requiring large grounds, cemeteries or similar uses which are open in character.*
- 4.4 The use of this land as a garden centre is considered an acceptable use within the Green Belt, but Policy GB4 of the RDLP advises that open storage uses, such as the storage of scaffolding equipment and vehicles, within the Metropolitan Green Belt is an unacceptable use.
- 4.5 This action would seek to secure the cessation of the use of this site for the operation of a scaffolding business, along with the removal of all scaffolding poles, planks, other ancillary items, and vehicles stored thereon.

#### **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 now reported.

Shaun Scrutton  
Head of Planning Service

---

---

For further information please contact Dave Beighton on: -  
Tel:- 01702 318097  
E-Mail: - david.beighton@rochford.gov.uk