

## **BREACH OF PLANNING CONTROL ON LAND AT NORTH END OF VANDERBILT AVENUE AND TRENDERS AVENUE, RAYLEIGH, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding breaches of planning control, namely the use of the land as a builders' yard, the erection of a fence exceeding 2.00 metres surrounding part of this yard and the siting of both a mobile home and a metal storage container at land north of Trenders Avenue, Rayleigh, 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 These breaches are occurring within the Metropolitan Green Belt and involve the creation of a fenced yard, inside which builders' materials and equipment are stored as well as one large caravan (mobile home) and one metal storage container.
- 2.2 It should be noted that the builders' yard use was the subject of an earlier, but still valid, Enforcement Notice. The breach of this will be pursued by officers through the Courts if necessary. Members are asked to re-affirm their support for this action, although they do not have to re-authorise such.

### **3 PLANNING HISTORY OF THE SITE**

- 3.1 The builders' yard use as well as the siting of a static caravan was first brought to officers' attention in the 1990's as part of a larger area of land. This led to an Enforcement Notice being issued on 23 July 1992. Records indicate that the Notice was complied with by the use of the land ceasing and the caravan being removed. However, this matter was again brought to the attention of officers in June this year when it was found that the same owner had started to use the land as a builders' yard once more, renewing fences and generally clearing the land for this use. Visits to the site showed that the land was being used for the storage of paving bricks, wooden pallets, equipment and motor vehicles connected with the owner's paving business.
- 3.2 In addition, it was seen that a timber framed fence with corrugated iron panels, painted bright green, surrounded this site. This fence exceeds the permitted development allowance of 2m in height in places.

- 3.3 Further investigations revealed that a caravan (mobile home) had been sited within the fenced compound once more. This caravan is being used as a rest room for employees and family members. In addition, a metal container, formerly used as a lorry back, has also been sited on this land and is being used as a secure container for tools, etc., connected with the owner's paving business.
- 3.4 Following investigations, the owner of the site was traced and then served with a Planning Contravention Notice. The owner responded saying that the site was being used as a storage yard and had been used as such since 1990 and that he had been paying business rates on the land since 1991. This led to an application seeking a Lawful Development Certificate being submitted (03/00658/LDC). This application was refused on 19 September 2003 but the unauthorised use of this land is continuing.
- 3.5 Since that time it has come to officers' attention that water and electricity has been supplied to this site (and others nearby) and that a caravan (mobile home) and a metal storage container have been sited on the land.
- 3.6 Members may wish to note that the applicant has recently submitted an appeal against the refusal of his application for a Lawful Development Certificate. Nonetheless, this does not prevent this Authority taking appropriate legal action.

#### **4 PLANNING ISSUES**

- 4.1 This site lies within the Metropolitan Green Belt, (MGB) where there is a general presumption against development. Although this is the main policy concern, the site is also within a Landscape Improvement Area where other restrictive policies apply. The use of this land has historically been agricultural.
- 4.2 Whilst the re-use of agricultural buildings for storage purposes may be acceptable, the siting of mobile homes and metal storage containers in the open, as in this case, leads to gradual erosion of the openness of the MGB. Such uses appear incongruous and detract from the open views across the Green Belt. These uses are also contrary to both Policy GB1 and GB4 of the Rochford District Local Plan (RDLP). GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB4 states that open storage uses within the Green Belt will not normally be permitted.
- 4.3 As referred to in paragraph 4.1 above, other restrictive policies apply and attention is drawn to Policy RC 8 of the RDLP. Policy RC 8 requires development in such areas to be of a high standard, etc., which this clearly is not. The storage of such items within this location has an adverse effect on the openness of the area, to the detriment of its appearance

- 4.4 The unmade access road to the site is also totally unsuitable, having a rough and uneven surface. The use of the yard results in mud on the road and adjacent in the winter, dust in the summer, etc., causing adverse effects on other road users and residences nearby.
- 4.5 In view of the detrimental effect that the above has, on both the open nature of the site and also on views in and out of it, etc., this enforcement action seeks to secure the cessation of this land for the siting of metal storage containers and the siting of a caravan.
- 4.6 There are a number of nearby sites where alleged breaches of planning control are presently being investigated. These may be the subject of reports to this Committee in the future, but there is no suggestion that any of these other sites are directly connected with this site.

## **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 breaches now reported.

Shaun Scrutton

Head of Planning Services

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**Background Papers:** Previous Enforcement Notice dated, 23 July 1992.

For further information please contact Tom Deans on:-

Tel:- 01702 318096  
E-Mail:- tom.deans@rochford.gov.uk