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## BREACH OF PLANNING CONTROL ON LAND AT 138A DOWNHALL ROAD, RAYLEIGH, 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 signwriting business from 138a Downhall Road, Rayleigh.
- 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 matter was brought to the attention of this Authority in April 2002 by residents who were concerned about the detrimental impact that this use was having on their residential amenity.
- 2.2 A Planning Contravention Notice (PCN) was served on the owners of No. 138a. In their response they admitted that the use commenced in 1994 and was operated from an outbuilding in the rear garden of No. 138a. The business involves the cutting of vinyl film for signwriting.
- 2.3 The business has 3 full time employees and, in a typical week, 2-3 visiting clients per week. There are also approximately 5 deliveries of goods per month.
- 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 then this Authority would need to consider the expediency of further action. When no application was submitted 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 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."

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- 3.2 The use of this site as a base for a signwriting business causes detriment to the residential amenities of the surrounding area and properties. This is partly due to the number of regular callers and deliveries which present potential problems with respect to 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 use of this site for business purposes should now be controlled before any exemption under the "ten-year rule" is claimed. Unless action is taken swiftly on this matter the authority runs the risk that it will be unable to require the use to cease. Furthermore, such a use may expand and develop with no planning controls on its hours of operation, noise emissions, etc.
- 3.5 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 which will seek the extinguishment of the business use on this site.

#### **4 RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

That the Head of Planning Services 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)

Shaun Scrutton

Head of Planning Services

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#### **Background Papers:**

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