
BREACH OF PLANNING CONTROL AT 11 AND 15 BANYARD WAY, ROCHFORD, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the repositioning of fencing adjacent to the highway at both 11 and 15 Banyard Way, Rochford.
- 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 two properties are located on Banyard Way, either side of its junction with Westbury. In the case of No. 11 the rear garden has been extended southwards up to the edge of the footpath, whereas in the case of No. 15 the side and rear garden has been extended northwards up to the back edge of the pavement. In both cases, fencing in excess of 1 metre in height has been constructed.

3 PLANNING HISTORY

- 3.1 In respect of No. 15, planning permission was refused and an appeal dismissed for identical development in 1988. However, this matter was again brought to the Council's attention in late 2001 and investigations revealed that both properties either side of Banyard Way had repositioned their fences to incorporate this additional land adjacent to the highway.
- 3.2 Contact was made with the owners of both properties advising them that the repositioning of fencing here required planning permission. Following this, a retrospective planning application (ref. 02/00132/FUL) was received from the residents of No. 11 and this has now been refused.

4 PLANNING ISSUES

- 4.1 This estate has been so planned to give a spacious appearance with various areas of the land around houses being left open. Much of this land is in small pieces between fences and the back edges of pavements. The land that is the subject of this particular investigation lies on a prominent position either side of the junction of Banyard Way and Westbury.
- 4.2 It is felt that in these locations a change in the position of the fences not only makes it more obtrusive for users of these roads but also

presents a cramped appearance to the environs of this road junction by reducing its openness.

- 4.3 Given the way the estate has been laid out, there are likely to be many other small pieces of unenclosed land whose owners might also wish to enclose them. It is felt that the cumulative effect on the character of the estate could be highly detrimental and it is important that a precedent is not set. To that end the following authorisation is sought.

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. (HPS)

Shaun Scrutton

Head of Planning Service

For further information please contact Dave Beighton on: -

Tel:- 01702 318097

E-Mail: - david.beighton@rochford.gov.uk