
BREACH OF PLANNING CONTROL AT BROOKSIDE, LONDON ROAD, RAYLEIGH, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the regular stationing and operation of a mobile fast food trailer / van on land at Brookside, London 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 breach is occurring within the Metropolitan Green Belt, on the car park attached to Brookside Café, London Road, Rayleigh. It involves the regular stationing and operation of a mobile fast food trailer / van selling food to members of the public.

3 THE PLANNING HISTORY OF THE SITE

- 3.1 This matter was first brought to officers' attention in March 2002. Subsequent site visits revealed that the site was being regularly used for the stationing and operation of a mobile fast food van. Following a search with the DVLA the owner of the van was contacted and the van ceased trading from the site. Soon afterwards the van was replaced by a mobile fast food trailer that was towed onto the site behind a domestic vehicle.
- 3.2 Following lengthy investigations the new owner of the land was tracked down and they were formally advised that the presence of this vehicle represented a breach of planning control. A deadline was set within which either the trailer should cease to trade from the site or a valid planning application be submitted for its retention. At the expiration of the deadline neither had been done.

4 PLANNING ISSUES

- 4.1 This site lies within the Metropolitan Green Belt, where there is a general presumption against development. The use of this land is authorised for use as a car park in connection with the café use at Brookside. Such a use, involving the parking of vehicles by the patrons of the café, is long standing and would normally only be a transient one having a limited impact on the openness of the Green Belt

- 4.2 The stationing and operation of a mobile fast food trailer / van however leads to a gradual erosion of the openness of the Metropolitan Green Belt. Such a use appears incongruous, further intensifies a commercial use by bringing customers on to the site at late hours and detracts from the open views across the Green Belt. Policy GB1 of the Rochford District Local Plan limits new uses within the Green Belt to those linked to agriculture, forestry, mineral extraction, facilities for outdoor recreation or other use that preserve the openness of the Green Belt.
- 4.3 In view of the detrimental effect that this use has on the openness of the Green Belt, both in terms of its physical presence and also in terms of the number of callers by vehicle that it generates, it cannot be taken to comply with RDLP Policy GB1.
- 4.4 Also, notwithstanding the fact there is already a cafe use within the building nearby, there is some concern that, with two dwellings nearby, there is a potential for disturbance from such a use, particularly at the hours currently operating. Policy EB6 of the Rochford District Council Local Plan deals with non-conforming uses and states that “where existing employment development 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.” This use would appear to adversely affect the amenities of these properties.
- 4.5 In view of this detrimental effect and that on both the open nature of the site, and also on views in and out of it, this Enforcement action seeks to secure the cessation of this land for the stationing and operation of a mobile fast food trailer / van.

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 breach now reported. (HPS)

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Head of Planning Services

Background Papers: None

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