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## **BREACH OF PLANNING CONTROL AT GOAD'S MEADOW, MURRELS LANE, HOCKLEY**

The Chairman has agreed to admit this item for consideration as urgent business due to the current proliferation of such development within the district.

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding the breaches of planning control at the above site, where there have been 3 separate breaches:
  - a) Unauthorised change of use to land used for the stationing of a residential caravan;
  - b) Unauthorised change of use from stable block to building used for residential purposes; and
  - c) Unauthorised operational development involving the insertion of windows and a new domestic door.
- 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.
- 1.3 This matter is brought forward as an Urgent Item due to the current proliferation of such development within the district. At present over 20 cases are under investigation by the Enforcement Team. It is believed that a swift response will limit the operational development on site, reduce the way in which the occupants and the use becomes established and will send a clear message to others considering a copycat approach.

### **2 THE ENFORCEMENT CASE**

- 2.1 Goad's Meadow is an open site at the junction of Murrels Lane and Church Road in Hockley. It is bounded to the south by a railway embankment, but is open in other directions. The land lies within the Metropolitan Green Belt (MGB). The Rochford District Local Plan (RDLP) and the Essex and Southend on Sea Replacement Structure Plan (RSP) both contain policies to restrict inappropriate development within the MGB.
- 2.2 The current development on the site is contrary to policy C2 of the RSP and GB1 of the RDLP. Section 54A of the Town and Country Planning Act 1990 (as amended) states that the LPA must determine planning applications in accordance with development plan policies, unless material planning considerations dictate otherwise. The LPA is not

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aware of any material planning considerations that would outweigh the policy considerations.

- 2.3 The Courts have held that development must be subjected to a two-stage test. The first stage is to determine whether the development is appropriate within the MGB. In this instance the development is inappropriate. The second test is therefore to assess whether there are any very special circumstances that outweigh the MGB concerns. In this instance the LPA is not aware of any very special circumstances.
- 2.4 Authority to take action in this case is sought to prevent further degradation to the MGB and to send a clear message to those who are considering such a use.

### **3 LEGAL IMPLICATIONS**

- 3.1 Any action considered necessary through the Courts to remedy the breach.

### **4 RECOMMENDATION**

- 4.1 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 of planning control now reported. (HPS)

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Head of Planning Services

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