

## **BREACH OF PLANNING CONTROL ON LAND REAR OF 70 LOWER ROAD, HULLBRIDGE, ESSEX**

### **1     SUMMARY**

- 1.1    To consider the report of the Head of Planning Services regarding a breach of planning control namely the siting of a glass greenhouse and the extension of a domestic use within the Metropolitan Green Belt.
- 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    Number 70 is located on the south side of Lower Road, almost immediately opposite its junction with Ferry Road. The breach involves the stationing of a building, constructed out of glass, within a small compound used for domestic purposes which effectively extends the garden area. The site is located within the Metropolitan Green Belt and as such represents unacceptable development.

### **3     PLANNING HISTORY**

- 3.1    This case was first raised as an Enforcement matter in February 2002, following a visit to the site by a planning officer to monitor a different breach.
- 3.2    This visit revealed that a compound, rear of the property and outside of its curtilage, had been created. Within this small compound two domestic type and size glass greenhouses had been sited there sometime since the previous visit to the site by an Enforcement Officer in mid 2001. A number of compost bins, other garden items, etc were also noted.
- 3.3    The owner of the land was contacted formally and advised that the site lay within the Metropolitan Green Belt and was therefore unlikely to gain consent for these structures. He advised that the structures are used for the growing of tomatoes, on a domestic scale, and that he was unwilling to comply with the request to remove them. Following protracted negotiations however the owner offered to remove one of the greenhouses but not the other.
- 3.4    In response to this he was further advised that both structures should be removed and that a failure to comply would lead to the consideration of formal Enforcement action. A subsequent inspection of the site by an Officer revealed that the use continues and the final greenhouse has not been removed.

#### 4      **PLANNING ISSUES**

- 4.1      Policy GB1 of the Rochford District Local Plan (RDLP), First Review states that:

*“Within the Green Belt, permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use...of existing buildings...for purposes other than agriculture, mineral extraction or forestry...facilities for outdoor participatory sport...or similar uses which are open in character.”*

- 4.2      Whilst the growing of crops is clearly linked to agriculture, in this instance the building is used entirely for domestic purposes. Furthermore, the extension of the garden use beyond that authorised introduces domestic items and features that, whilst not large in scale, further reduces the open character of the area. It cannot therefore be considered to be in accordance with Green Belt policy. This would appear to be also contrary to other MGB policies e.g. Policy GB 9 of the RDLP.
- 4.3      The prime strategy of the Metropolitan Green Belt (MGB) is to prevent unacceptable development outside of the built up areas within the District. The siting and nature of this structure as well as the use is considered detrimental, however incrementally, to the open nature of the MGB. This Enforcement action seeks authority to require the removal of this structure and cessation of the domestic use.

#### 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)

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