
BREACH OF PLANNING CONTROL AT 90 BURNHAM ROAD, HULLBRIDGE, ESSEX

SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the storage of a skip and associated waste, used in connection with a commercial business at 90 Burnham Road, Hullbridge, Essex.
- 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 case was first brought to our attention in May 2001 following a complaint from a nearby resident. A report was prepared and presented to the Planning Services Committee in November 2001 requesting authorisation for further action against the commercial business being run from this property. Such authorisation was granted an Enforcement Notice was served in January 2002.
- 2.2 Monitoring of this site revealed that a skip was being stored on the driveway of the site. Initial investigations concluded that such a use was acceptable and the owner of the site was advised of such. This advice, however, was conditional on the state and appearance of the property not deteriorating and also on the fact that the skip was used purely for domestic purposes. Further visits, following reports from neighbours, revealed that the skip was routinely filled with commercial waste and the view was taken that this was no longer acceptable.

3 PLANNING ISSUES

- 3.1 The issue of whether or not the use of a residential property for the siting of a skip use for the storage of commercial waste is acceptable depends upon various factors including its effect on the surroundings as well as the provisions of the development plan.
- 3.2 Policy EB6 of Rochford District Local Plan deals with non-conforming uses and states that :-

“Where existing employment development...has a serious adverse effect on residential or rural amenities, the Council may consider using its powers...to secure its relocation or extinguishment.”

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- 3.3 It is felt that a use of this nature in this residential location is unacceptable due to the undue detriment that the storage of a skip at this address causes to the amenities of surrounding properties.
- 3.4 In addition to this is the negative visual impact resulting from the storage of a skip within a residential curtilage. Policy EB6 refers to the availability of enforcement powers to secure the relocation or extinguishment of non-conforming uses. Contact was made with the site owner and he was offered time to remove the skip. Such compliance was not forthcoming.
- 3.5 Advice from this Council's Legal Department was that we would be unable to enforce the siting of this skip via the previous enforcement action and the decision was therefore taken to seek authorisation from Committee for further, formal action. Such action will secure the removal of the skip from the property.

4 RECOMMENDATION

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)

Shaun Scrutton

Head of Planning Service

Background Papers:

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