
UNTIDY SITE AT 1 ROPERS FARM COTTAGES, MUCKING HALL ROAD, GREAT WAKERING

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the untidy nature of a domestic property and its curtilage at 1 Ropers Farm Cottages, Mucking Hall Road, Great Wakering.
- 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 LOCAL PLANNING AUTHORITY POWERS

- 2.1 Section 215(1) of the Town and Country Planning Act 1990 (as amended) states:

“It appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section”.

It has been established that the word 'land' in S.215 can also mean 'buildings'.

3 PLANNING ENFORCEMENT INVESTIGATIONS

- 3.1 Investigations following a complaint by a resident have shown that the property can be considered untidy and that the Local Planning Authority should use its powers to ensure that the condition of the land is improved.
- 3.2 Investigations revealed that over 15 motor vehicles are stored on the site, together with quantities of vehicle spares, truck bodies and shells. There are three touring caravans on the site and other items that appear to have been dumped on the site.
- 3.3 These items are stored on the driveway to the front of the property, on land to the east, but attached to the property and on land between these areas and the highway. They constitute an unacceptably untidy intrusion in a rural area.
- 3.4 Number 2, Ropers Farm Cottages is also subject to a similar investigation and a consistent approach needs to be taken in resolving this breach.

4 CONCLUSIONS

- 4.1 The Local Planning Authority has powers to ensure the proper maintenance of land. In this instance such powers should be used to remedy the impact of what appears to be a storage area for old cars. An Untidy Site Notice would specify what works were required to ensure that the land was restored to a tidy condition.

5 LEGAL IMPLICATIONS

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

6 RECOMMENDATION

- 6.1 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)

Shaun Scrutton

Head of Planning Services

For further information please contact Andrew Meddle on:-

Tel:- 01702 318096
E-Mail:- andrew.meddle@rochford.gov.uk