
BREACH OF PLANNING CONTROL AT 253 PLUMBEROW AVENUE, HOCKLEY

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the breach of condition 2 of planning permission ROC/468/89 at 253 Plumberow Avenue Hockley, where extra living accommodation has been created in the roof space contrary to the terms of this condition.
- 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 THE ENFORCEMENT CASE

- 2.1 Following a complaint, investigations were initiated as to whether the first floor of the property was being used for living accommodation. In 1989 planning permission was applied for and gained for the purposes of adding a pitched roof to the side and rear.
- 2.2 Two conditions were attached to the permission granted on 6th July 1990. The first was the standard condition relating to the timescale for development. However, the second stated "Notwithstanding the provisions of Article 3, Schedule 2 and Part 1 of the Town and Country Planning General Development Order, 1988 (or any order revoking and re-enacting that Order), the roof space hereby created shall not be converted to habitable accommodation and no dormer windows, roof lights, other windows or extensions shall be installed or erected within the roof."
- 2.3 The reason for this condition was "The Local Planning Authority's policies specify the maximum reasonable increase in habitable accommodation for dwellings in the Green Belt and the conversion of the roof space in this case would result in that limit being exceeded."
- 2.4 A site visit earlier in the year found that the first floor was being used as a bedroom, walk in wardrobe and bathroom. It was also noted that French doors had been inserted on the first floor giving access to the roof at the rear of the property. Both the change of use and operational development are in breach of the condition.
- 2.5 The development would be contrary to development plan policies within both the Replacement Essex County Structure Plan (ECSP) and the Rochford District Local Plan (RDLP). It would be contrary to policies C2 from the former and the derived policy GB1 from the latter, which both detail the restraint expected with respect to green belt

development. The development is also contrary to policy GB7 from the RDLP relating to extensions to dwellings in the green belt.

- 2.6 The development is therefore contrary to development policy and so would be likely to be refused permission in line with S.54A of the Town and Country Planning Act 1990 (as amended). By definition therefore the development must be considered inappropriate. No very special circumstances are known to exist here and the development would fail the two stage test that green belt development is subjected to.

3 CONCLUSIONS

- 3.1 Both operation development and change of use have taken place in breach of a condition. This has not been for a period in excess of 10 years and enforcement action may be taken. The development is unlikely to gain planning permission as it represents an inappropriate extension within the green belt and would be contrary to development plan policies.

4 LEGAL IMPLICATIONS

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

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 of planning control now reported. (HPS)

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