
**BREACH OF PLANNING CONTROL ON LAND AT
BRAMBLE HURST FARM, HYDE WOOD LANE,
CANEWDON, ROCHFORD, ESSEX**

SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the siting of a mobile home type building and the construction of a detached outbuilding 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 PLANNING HISTORY

- 2.1 Bramble Hurst Farm is located east of Hyde Wood Lane between the town of Rochford and the village of Canewdon.
- 2.2 This case was first raised as an enforcement matter in 2002, following a complaint. An Officer visited the site, and spoke with the resident. The initial complaint was purely in respect of the detached outbuilding, which was under construction at the time of the Officer's initial inspection. The inspection revealed that the outbuilding was domestic in both character and use and was being used for the parking of domestic vehicles and the storage of children's toys.
- 2.3 Further research into this matter revealed that the use of the land for the siting of the mobile home had only been granted temporary consent under application reference 308/96/ROC. This consent expired on the 25th July 1997 and has not been renewed since. Furthermore, the mobile home was also to be removed within 28 days of the agricultural use of the site ceasing.
- 2.4 Contact was made with the owner of the site and they admitted that the agricultural use of the site had ceased some time ago. Officers then advised that since the mobile home type building was unauthorised, the site could have no "permitted development" rights to erect other structures and that the outbuilding represented a breach of planning control also.
- 2.5 A claim was then made by the owners of the site that since the mobile home type building on site was materially different to that approved that it could not therefore be an implementation of that 1996 permission. This being the case the residential use of this site would have been

unauthorised for well in excess of ten years, it was claimed, and that it would therefore be immune from further action.

- 2.6 In view of these claims the applicant promised an application would be submitted by the end of January 2003 but when none was received it was felt necessary to advise Members of these breaches so that further action could be considered.

3 PLANNING ISSUES

- 4.1 As well as being within the Green Belt, the site lies within an area allocated as a Landscape Improvement Area and the Roach Valley Nature Conservation Zone in the Rochford District Local Plan (RDLP).

- 4.2 Policy GB1 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.”

- 4.3 The original consent was granted on the condition that the use cease if the agricultural use of the site stops. Whilst temporary dwellings are often acceptable within the Green Belt, when in conjunction with a viable agricultural use, this dwelling is, in effect, a new stand alone dwelling not used in conjunction with an open (ie agricultural) use of the land. In this respect it must therefore be contrary to policy.
- 4.4 Furthermore, the outbuilding that has recently been constructed here is not used in conjunction with any agricultural use and must therefore also be contrary to policy. The mobile home does not benefit from any “permitted development” rights to construct outbuildings and, in any event, it is debatable whether or not the outbuilding is wholly within its curtilage. For the same reasons that the mobile home type building is unacceptable so must the outbuilding be also.
- 4.5 RDLP Policy RC8 deals with Landscape Improvement Areas, of which this site is within. This states that the materials, design etc of developments should be of a high standard and improve the character of the area in which they are sited. The mobile home type building cannot be said to accord with this policy since its temporary type nature and construction means it appears incongruous in such an area. Furthermore, the overtly domestic appearance and considerable size of the outbuilding means that it also appears incongruous in such a rural and open area.

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- 4.6 This Enforcement action seeks authority to serve a formal Notice requiring the removal of these developments, and all resultant materials from the site.

5 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 Services

Background Papers: None

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