
BREACH OF PLANNING CONTROL AT OASIS ARABIANS, VANDERBILT AVENUE, RAYLEIGH

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the construction of a building, the stationing of a caravan and associated incidental operational development and the use of the land for residential purposes without the benefit of planning permission.
- 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 Investigations at this site have identified multiple breaches of planning control in an isolated location within the Metropolitan Green Belt and a Landscape Improvement Area, as defined within the Rochford District Local Plan. The works constitute inappropriate development within the green belt and are therefore contrary to national, county and local policy regarding such development.
- 2.2 The works that have been recorded on site include the construction of a large wooden building, the stationing of a touring caravan with awning and various items of a domestic nature. The area around the caravan gives the impression that it is being lived in on a permanent basis. The change of use of agricultural / “horsicultural” land to residential is also a breach in its own right.
- 2.3 The owners have been served with a Planning Contravention Notice to ascertain further details of the breach, but this style of unauthorised development is becoming ever more common within the plotland areas of the district. As this report was being drafted the response to the Planning Contravention Notice was received. However, this does not provide any information regarding the very special circumstances that, the Courts have held, may outweigh normal policy considerations.
- 2.4 The owners have indicated that they were unaware that planning permission was required for a temporary wooden building and claim, amongst other things, that the development will have no harmful impact on the environment. They go on to justify the need for residential accommodation at this site for the safety and security of their horses mentioning burglaries and attacks on the animals.
- 2.5 Whilst such justification is understood this does not override the usual Green Belt and rural policies. The need to tackle such unauthorised development with all due haste is paramount given the implications of

the Human Rights Act 1998 and Article 8 rights under the European Convention on Human Rights, e.g. where occupiers claim the right to continue to live on a site in view of established connections to the area.

3 CONCLUSIONS

- 3.1 The site lies within the green belt and a landscape improvement area. The development is contrary to both these policies. There do not appear to be any very special circumstances why this development should be allowed contrary to such policies. The need for swift enforcement action is necessary to ensure that such development does not become established or set a precedent.

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)

Shaun Scrutton

Head of Planning Services

For further information please contact Andrew Meddle on:-

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