
BREACH OF PLANNING CONTROL AT 52 HIGHAMS ROAD, HOCKLEY

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the breach of planning control, by virtue of failing to comply with condition 1 of planning permission 01/00226/FUL at the above property.
- 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 Planning permission was granted in June 2001 for the retention of a conservatory to the rear of 52 Highams Road, Hockley. This was the result of enforcement action taken against the owners who had erected two large conservatories to the rear of the property. The original conservatory was considered to be permitted development under the General Permitted Development Order 1995 (as amended), but the second was deemed to require planning permission.
- 2.2 The owners therefore applied for, and were granted, retrospective planning permission for the second conservatory, subject to one controlling condition. This condition related to surface water disposal as the run-off from the property was causing localised flooding.
- 2.3 The condition states that the surface water drainage shall be constructed as approved within two months of the granting of planning permission. This has not happened and the problems of flooding still occur. The owners are therefore in breach of this condition and authority is sought to remedy the breach by ensuring the condition is complied with.

3 CONCLUSIONS

- 3.1 Authority is sought to remedy the Breach of Condition reported to ensure that further demonstrable harm does not occur to neighbouring properties and to ensure compliance with the valid permission.

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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