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## **UNTIDY SITE AT 2 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 adjacent land at 2 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 INTRODUCTION**

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

“If it appears to the Local Planning Authority that the amenity of a part of 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 seven motor vehicles are stored on the land, together with quantities of vehicle spares, lawn mowers, builders waste, moulded timber off-cuts and block paving materials.
- 3.3 These items are stored on the driveway to the front of the property, on land to the west and on land between these areas and the highway. They constitute an unacceptably untidy intrusion in a rural area.
- 3.4 Number 1 Ropers Farm Cottages is also subject to similar investigations 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)

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Head of Planning Services

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