
BREACH OF PLANNING CONTROL AT KIA-ORA, LONDON ROAD, RAWRETH, ESSEX.**1 SUMMARY**

- 1.1 The Acting Head of Planning Services reports the use of the above for the unauthorised storage, display and sale of motor vehicles; the erection of three buildings; and the change of use of a residential property to offices.
- 1.2 The site is prominently located near to the roundabout of London Road with the A130 Chelmsford Road, to the west of the existing car sales use of Richlee Motors, Spur Garage. That site was originally a petrol station and successfully obtained planning permission for the display and sale of vehicles in 1978. The current breach of planning control is directly as a result of difficulties with the lease of the site and this approved use expanding and overflowing onto the vacant residential property and open land adjacent.
- 1.3 Vehicles are displayed for sale in the grounds of the residential property, which itself is being used as ancillary offices and store. The land has been tarmaced and gravelled to create a vehicle display area. Three buildings have been constructed to the side and rear of the site. The most prominent of these is in the form of an archway visible from London Road with no apparent purpose. A smaller shed has been constructed to the rear of the property, which, until recently, housed a car washing facility, and is now used as storage space. A further building in the form of a wooden double garage is situated to the south of the site, which is used in connection with a car valeting service that operates from the site. Further vehicles awaiting this service are also stored to the rear of the property.
- 1.4 The site is located within the Metropolitan Green Belt where restrictive Policies of restraint apply, in particular Policy GB1 of the Rochford District Local Plan and Policy S9 of the Essex Structure Plan. PPG2 sets out the National Policy on Green Belts. In essence the Policies maintain a presumption against inappropriate development and prevent any new building or use in the Green Belt other than for the purposes of agriculture, small-scale facilities for outdoor sport etc. In addition the site is located within a Landscape Improvement Area to which Policy RC8 of the Local Plan applies. This requires that any development permitted shall be of a high design standard etc. with suitable landscaping to enhance the surroundings.
- 1.5 Whereas Policy GB1 refers to the need to justify exceptional circumstances for change of use for purposes other than those normally appropriate in the Green Belt, Policy GB5 of the Local Plan, in accordance with National Policy, seeks to promote the re-use of certain buildings within such areas providing that such development will not

have an adverse effect upon the open and rural character of the Metropolitan Green Belt.

- 1.6 Some members may be aware that the use of Kia-Ora for the display and sale of vehicles has been an ongoing problem which this authority has sought to deal with appropriately having regard to government advice contained within PPG 4: Industrial and Commercial Development and Small Firms. Negotiations with the current occupier have continued, but assurances that the appropriate applications would be submitted or the use ceased have not been kept.
- 1.7 Two Enforcement Notices have previously been served regarding the unauthorised storage, valeting, display and sale of motor vehicles, and the erection of a single garage building on part of the site, both dated 4th December 1984. These notices were upheld at appeal and the current breaches now reported occur in contravention of them. Furthermore two applications seeking to erect a car showroom and workshop, and seeking the change of use of the site to second hand car sales with ancillary office within the residential property and to erect a workshop, were both refused in 1990 and 1991 respectively.
- 1.8 It is considered that the use of the residential property for the display and sale of motor vehicles, the operation of a car valeting service, ancillary offices and the erection of three buildings is wholly inappropriate in this Green Belt location. These developments conflict with National and Local Green Belt policies, reducing the openness and rural character of the countryside, to the detriment of visual amenity. If allowed to remain the policies and purposes of the Green Belt would be undermined.

2 ENVIRONMENTAL IMPLICATIONS

- 2.1 As set out above.

3 FINANCE/RESOURCE IMPLICATIONS

- 3.1 There are no direct implications for the Local Planning Authority arising from this matter other than the normal resource implications in consequence of the recommendation.

4 LEGAL IMPLICATIONS

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

5 PARISH IMPLICATIONS

- 5.1 The site lies within the Parish of Rawreth

6 RECOMMENDATION

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. (AHPS)

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