

## **BREACH OF PLANNING CONTROL AT 'HOMELEIGH', WELLINGTON AVENUE, HULLBRIDGE, ESSEX.**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the use of land adjacent to the above domestic dwelling into domestic garden, the use of this land and part of the domestic curtilage for the parking and storage of motor vehicles and plant in relation to a business use and the siting of a portable building used as an additional bedroom.
- 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 This site lies within the Metropolitan Green Belt, a Landscape Improvement Area and the Coastal Protection Belt. As such, this represents unauthorised development in a rural area.

### **3 PLANNING HISTORY**

- 3.1 Most of the land is a long established domestic curtilage containing one dwelling with its eastern boundary adjacent to a private road and footpath.
- 3.2 In August 2003 complaints were received from members of the public alleging that the line of the private road and of the footpath had been moved further to the east, fenced, and the old road and path taken into use as part of the garden and parking area of this dwelling. The curtilage of "Homeleigh" is shown single hatched on the attached plan while the adjacent land is crosshatched. "Homeleigh" is registered as freehold land with The Land Registry and the current owner purchased this on 7 March 2003. The adjacent land is not registered with The Land Registry.
- 3.3 The site has been visited on a number of occasions by planning officers. On each occasion at least one commercial motor vehicle connected with the business of the owner of the land has been seen parked on the land. Frequently, items such as mechanical diggers are also parked on the site.
- 3.4 A portable building is sited within the curtilage of the dwelling, adjacent to the entrance to the land. There is a high voltage electricity supply to that building. No permission to site or retain that portable building has been submitted and no Permitted Development Right allows its retention. Members of the public have complained that the building is used as an office in relation to a paving business, which is operated from this land.

- 3.5 No permission has been sought to change the use of the domestic curtilage of Homeleigh to a mixed domestic / commercial use of single dwelling and for the parking for commercial vehicles and plant. Likewise, no permission has been sought to change the use of the former private road and footpath to domestic garden. The owner of this dwelling has been notified both verbally and in writing of these breaches of planning control, but no steps have been taken to resolve any of the breaches.

#### **4 PLANNING ISSUES**

- 4.1 Policy GB1, as supported by Policy C1 of the Essex Structure Plan, states that permission will not be granted, except in exceptional circumstances, for purposes other than agriculture, forestry and mineral extraction, or for outdoor participatory sports.
- 4.2 A major purpose of the Metropolitan Green Belt (MGB) policy is to prevent unacceptable development outside of the built up areas. The siting and nature of this structure is considered detrimental to the open nature of the MGB. Furthermore, the use itself is contrary to one of the prime objectives of MGB policy which is to “...*limit the number of people living and working within the Green Belt and thereby contain the amount of general activity...*”. The Coastal Protection policy (RC9) has a similar presumption against such development.
- 4.3 The site is also within a Landscape Improvement Area. Policy RC8 states that the location, siting, design and materials used in development should be of a high standard and improve the character of the area. This structure does not concord with Policy RC8 as it is not made of appropriate materials.
- 4.4 Although in the Green Belt, etc, the site is close to other residential properties. The use of the site for such purposes is likely to have a significant impact on the amenities of these properties. This use is therefore contrary to Policies H24 and EB6 of the RDLP which deal with safeguarding amenities in residential areas and the issue of non-conforming uses respectively.
- 4.5 This enforcement action would therefore include the removal of the unauthorised structure, along with the cessation of the business use carried out at the site.

#### **5 RECOMMENDATION**

- 5.1 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.

Shaun Scrutton

Head of Planning Services

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**Background Papers:**

None

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