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## **BREACH OF CONSERVATION AREA CONSENT ON LAND TO THE REAR OF 23 WEST STREET, ROCHFORD, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding the demolition of wall and within the Rochford Conservation Area, without the benefit of Conservation Area Consent, which materially affects the appearance of the building and area.
- 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 Some months ago Officers noted that the wall to the rear of 23 West Street, Rochford had been demolished. This wall had significantly affected the visual appearance of the rear of the property in Back Lane. The rear of the West Street properties are characterised by walls abutting the highway in this lane. The wall has been demolished and a car parking space has been created. The loss of the wall materially affects the appearance of the Rochford Conservation Area and a void has been created here which is detrimental to the area's appearance.
- 2.2 It had been hoped to regularise the situation with a retrospective application for Consent, but this has not been forthcoming. Given that S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority must pay special attention "... to the desirability of preserving or enhancing the character or appearance of that [conservation] area." it would seem that enforcement action is necessary to resolve the problem.

### **3 CONCLUSIONS**

- 3.1 The demolition of the wall within the Rochford Conservation Area did require consent from the local planning authority. Such consent was not granted and no attempt to regularise the situation or remedy the breach has been made. An uncharacteristic void has been left which adversely affects the street scene and the Conservation Area. There is therefore a need to prevent a precedent being set and to ensure that works are carried out to replace the structure that has been removed. It is for these reasons that authorisation is sought.

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**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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