
BREACH OF PLANNING CONTROL ON LAND OUTSIDE GARAGES ADJACENT TO 57 LESLIE ROAD, RAYLEIGH, ESSEX

SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the parking of a breakdown lorry on the forecourt of garages on land adjacent to 57 Leslie Road, Rayleigh.
- 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 matter was brought to the attention of this Authority in 1998, although little evidence of a breach of planning control was revealed. Further correspondence was then received in April 2001 from a concerned neighbour regarding the parking of a commercial breakdown lorry, both on the forecourt of the domestic garage adjacent to 57 Leslie Road, Rayleigh and also on the highway opposite the dwelling. The site is a domestic property, with a detached garage within a short row of garages nearby.
- 2.2 A Planning Contravention Notice was served on the owners of the site and they admitted that the commercial vehicle was routinely parked on the drive. Contact was made with both Essex Police and Essex County Council as the Highways Department to see if there were any powers they could take under their legislation regarding the occasional parking of the vehicle on the Highway. We were advised that there was no further action they could take.
- 2.3 Nonetheless, the owner was advised that the parking of such a vehicle on the drive represents a breach of planning control and he was advised to contact this Council's Economic Development Officer to discuss possible sites for relocation.
- 2.4 The site has subsequently been inspected over a number of months and a commercial breakdown lorry has been witnessed parked on the drive in front of the garage on a number of separate occasions.

3 PLANNING ISSUES

- 3.1 The issue of whether or not the use of a residential property for the parking of a commercial vehicle is acceptable depends upon various

factors including its effect on the surroundings as well as the provisions of the development plan.

- 4.1 Policy EB6 of Rochford District Local Plan deals with non-conforming uses and states that :-

“Where existing employment development...has a serious adverse effect on residential or rural amenities, the Council may consider using its powers...to secure its relocation or extinguishment.”

- 4.2 It is felt that a use of this nature in this residential location is unacceptable due to the undue detriment that the parking of a large commercial vehicle, and the general disruption that the coming and going of this vehicle causes to the amenities of surrounding properties.
- 4.3 In addition to this is the negative visual impact resulting from the parking of this vehicle within a residential curtilage. Whilst it is accepted that taking formal action may simply result in the parking of the vehicle on the Highway it is felt that such action is necessary to pre-empt any potential claim that the use has become lawful due to the passage of time. If such a claim were successful the Council would then have little further control over any intensification of this use. Additionally such planning enforcement action may assist the Police and /or highway authority in their highway enforcement role.
- 4.4 Policy EB6 refers to the availability of enforcement powers to secure the relocation or extinguishment of non-conforming uses. The offer was made, to no avail, of time to relocate this vehicle to suitable parking premises, and so it seems that in view of the detrimental impact that this use has on its surrounding area, authorisation for formal enforcement action should now be sought. Such action would attempt to secure the relocation of this vehicle away from the residential property.

4 RECOMMENDATION

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. (HPS)

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Background Papers:

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