



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
THE DEVELOPMENT CONTROL COMMITTEE – 28 May 2009**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

**If you require a copy of this document in larger
print, please contact the Planning Administration
Section on 01702 – 318191.**

Ward Members for Committee Items

ASHINGDON AND CANEWDON

Cllr Mrs T J Capon

Cllr T G Cutmore

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

SCHEDULE ITEMS

- | | | | |
|---|--|--------------------|---------|
| 1 | 09/00173/FUL
Application to Remove Condition 1 of Planning
Permission Granted Under Application 08/00275/FUL and
to Site on a Permanent Basis One Mobile Home and Two
Touring Caravans for a Gypsy/Traveller Family
The Pear Tree 750 New Park Road Hockley | Mr Mike Stranks | PAGE 4 |
| 2 | 09/00155/FUL
Construct First Floor Rear/Side Extension and Make
Alterations to Convert Pub into Four x Two Bedroomed
Flats and Construct Two x One Bedroomed Bungalows at
Rear with Parking and Amenity Areas.
The Chequers Inn High Street Canewdon | Miss Katie Simpson | PAGE 14 |
| 3 | 09/00182/COU
Change Use of Building and Carry Out Internal Alteration
to Provide One x Two Bedroomed and One x Three
Bedroomed Flats
28 Stambridge Road Rochford | Mr Mike Stranks | PAGE 29 |

SCHEDULE ITEM 1

**TITLE: 09/00173/FUL
APPLICATION TO REMOVE CONDITION 1 OF PLANNING
PERMISSION GRANTED UNDER APPLICATION
08/00275/FUL AND TO SITE ON A PERMANENT BASIS ONE
MOBILE HOME AND TWO TOURING CARAVANS FOR A
GYPSY/TRAVELLER FAMILY
THE PEAR TREE 750 NEW PARK ROAD HOCKLEY**

APPLICANT: MRS HANNA DORAN

ZONING: METROPOLITAN GREEN BELT

PARISH: ASHINGDON PARISH COUNCIL

WARD: ASHINGDON AND CANEWDON

PLANNING APPLICATION DETAILS

The Site

- 1.1 This application is to a site on the western side of New Park Road 85m south of the junction made with Lower Road. The site is rectangular in shape having a frontage of some 12m and depth of approximately 50m. The site is fully covered in a hard core and chippings surface. The site is contained within wall and fencing to the side and rear boundaries with a wall to the front. A stable building exists across the back of the site which is occupied as a day room. Two touring caravans are currently sited on the middle part of the site alongside the northern boundary. A further motor home is also on the site.
- 1.2 New Park Road is unmade. The area is generally part of plotland and located within the Green Belt. The site is adjoined on both sides by existing dwellings set a good distance back from the road in generous frontages. The site is opposite a meadow.

Planning History

- 1.3 The site had been used by a previous occupier who was a gypsy and since June 2003, resulting in the following history and enforcement background.
- 1.4 Application No. 03/00621/COU Change of use of land to residential and stationing of one mobile home, which was refused permission on 22 August 2003 for Green Belt reasons.

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- 1.5 Appeals against the refused Planning Permission and Enforcement Notice were dismissed as such but the ground (g) appeal that the period of compliance for the enforcement notice falls short of what should reasonably be allowed was allowed with the period for compliance extended to two years. This was due to uncertainty at the arrangements for providing gypsy and traveller sites within the District.
- 1.6 On the expiry of the enforcement period application no. 06/00338/FUL was made for the continuing use of the land for the stationing of a caravan for residential use, together with storage of a second caravan and the retention of hardstanding, stables and existing ancillary buildings and fences. This application was refused permission on 14 June 2006 for Green Belt reasons and failure to demonstrate that alternative sites had been considered outside of the Green Belt. Permission was granted on appeal on 21 March 2007.
- 1.7 In allowing the appeal the Inspector agreed the proposal to be inappropriate development within the Green Belt. The Inspector also noted that the wording of Policy HP20 to the Council's adopted Local Plan accepted that if applicants have first given consideration to non-Green Belt sites as required, a possibility of the loss of some openness would be implied from the consideration of Green Belt sites.
- 1.8 The site was cleared and vacated by the previous owner in March 2007 and in doing so the permission allowed in appeal had lapsed.
- 1.9 A new gypsy owner moved onto the site around January 2008 and submitted an application to site on a permanent basis one mobile home and two touring caravans. This application reference 08/00275/FUL was granted planning permission on 20 November 2008 subject to conditions requiring details to be provided for the foul and surface drainage of the site, limitation to the proposed one mobile home and two touring caravans and the clearance of the site following the cessation of occupation.
- 1.10 Condition 1 of the permission limited the site use to the applicant and her resident dependants and for a temporary period as set out below:-
1. The occupation of the site hereby permitted shall be limited to the family of the applicant, Mrs Hanna Doran and her resident dependants and for a temporary period expiring on 28 October 2011.

REASON: In view of the very special circumstances of the applicant and the shortage of sites available to provide for the unmet demand for gypsy site provision within the District, the review of site provision in the Council's emerging Local Development Framework and given the restricted size of the site.

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The Proposal

- 1.11 The proposal seeks to vary the existing permission by removing condition 1 which currently limits the site personally to the applicant, her resident dependants and for a temporary period. The effect would be to grant permanent permission for the use of the site for residential purposes for one mobile home and two touring caravans.
- 1.12 The applicant acknowledges the Green Belt situation. The applicant, however, argues that such personal permissions are not recommended by Government advice. The site already had a lifetime permission for a gypsy family as imposed by a previous planning Inspector. The Council has not yet provided gypsy sites as required. The applicant further explains that even when sites are found there will need to be consultations and further applications for funding and this will also take a long time. Any gypsy site that will be provided will not be in the area.
- 1.13 The applicant is critical that the existing permission requires the expense of providing drainage that could, however, be removed under the current permission after only three years.
- 1.14 The applicant describes that her children are currently settled in school and that moving from the site and into new schools can be stressful for those children. This stress can be avoided by a permanent consent and the continuity in education for her children.
- 1.15 The applicant states that if permission is refused for the current application consultants have been instructed to take the decision to appeal and claim costs because of the waste of time and money involved.
- 1.16 In the latest approved application the applicant set out the following very special circumstances:-
- a) The applicant was previously illegally stopping on a friend's land in the Bromley area. The applicant acquired the site in the belief it had planning permission for a Romany gypsy family.
 - b) The applicant has a large family. The applicant states the need for a permanent address to register with a health centre. The applicant's mother has health problems and is receiving treatment at Southend Hospital. Of the five children on the site, two were established at St. Teresa's school, Rochford, with an elder boy having transferred to the Deanes School in September 2008.
 - c) The need for a permanent address is linked to the importance of continued education for the children on the site.

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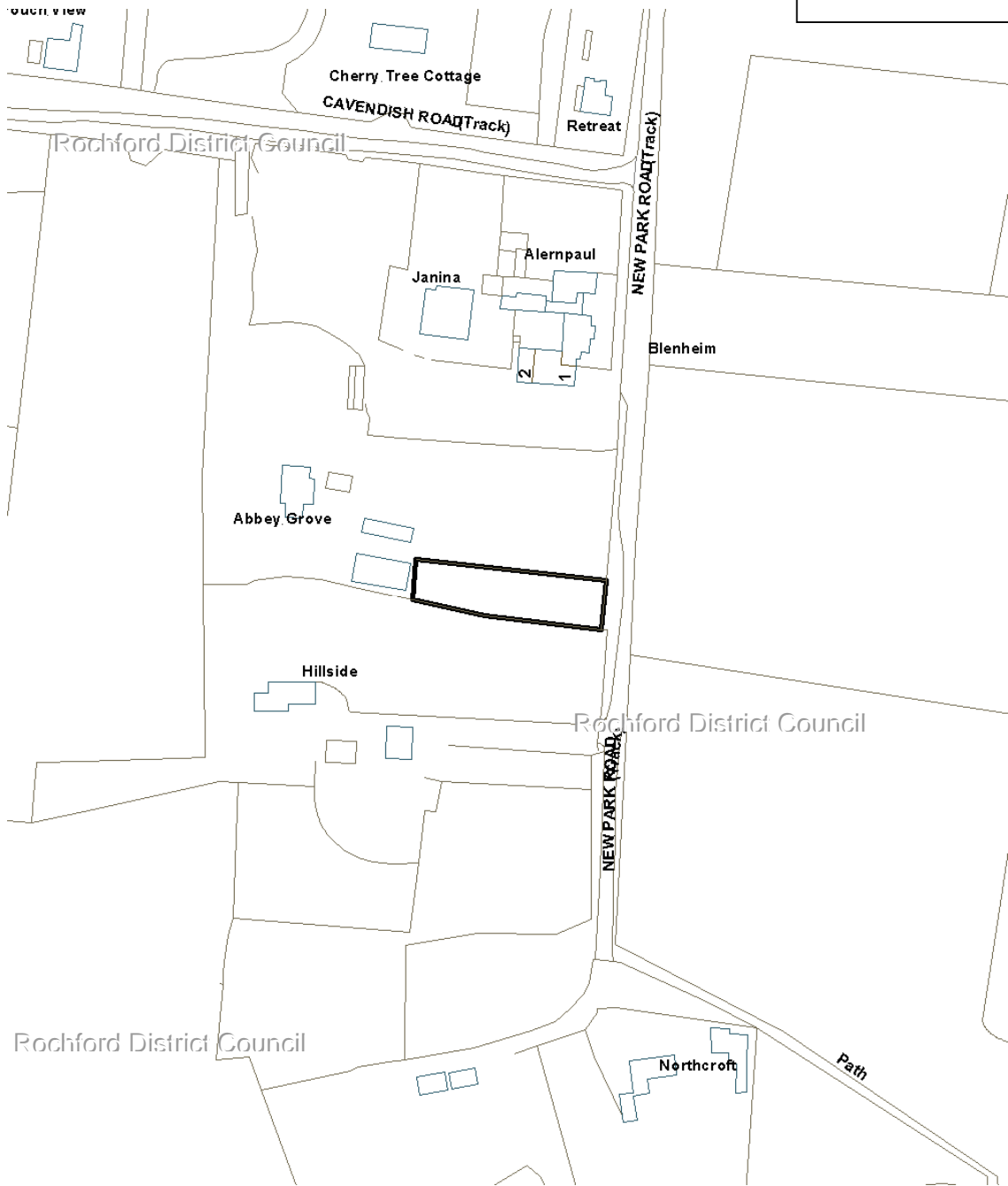
- d) The applicant submits that the requirements of the Children's Act 2004 requires that every child of whatever background needs to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being and it is required that all organisations involved with providing services to children must work together to protect children and the young from harm. Leaving children on the side of the road with no place to stay would be contrary to this act.
- e) The applicant considers the site to be sustainable, having already benefitted from permission and enjoying good access to the A129, A130, M11 and M25.
- f) The applicant states there is a general lack of affordable sites and understands that many sites are being approached by authorities across the country with a view to extending the number of pitches.
- g) The applicant also includes an undated report from Essex County Council believed to be compiled in spring 2008 which is in response to the single issue review of the Regional Spatial Strategy relating to gypsy and traveller caravan sites which, amongst other things, concludes that over the development of policy and the provision of sites within housing allocations, an equivalent policy for the retention of existing accommodation is essential. The loss of existing accommodation should be specifically prevented unless replacement stock is part of the proposal.

MATERIAL CONSIDERATIONS

- 1.17 The history of this site has established that the development is harmful to the Green Belt in conflict with Policy R1 to the Council's adopted Local Plan (2006). Two Inspectors have consented to the use of the site, firstly, temporarily extending the period for compliance with an enforcement notice and then personally for as long as the applicant required it due to the personal circumstances of the previous occupier.
- 1.18 The planning history is a material consideration and may also be taken into account against an assessment of very special circumstances applicable to this site. Of relevance are the decisions by two different planning Inspectors who each allowed a period of continued occupation, taking into account the lack of suitable alternative sites in the District.
- 1.19 The current applicant has failed to demonstrate the search for an alternative site outside of the Green Belt. In the previous appeal the Inspector concluded that the items on the site detracted from the sporadic development in the locality and Green Belt openness, particularly the presence of the caravans. However, the Council was unable to suggest an alternative location for the family to move to despite the applicant being required to first consider

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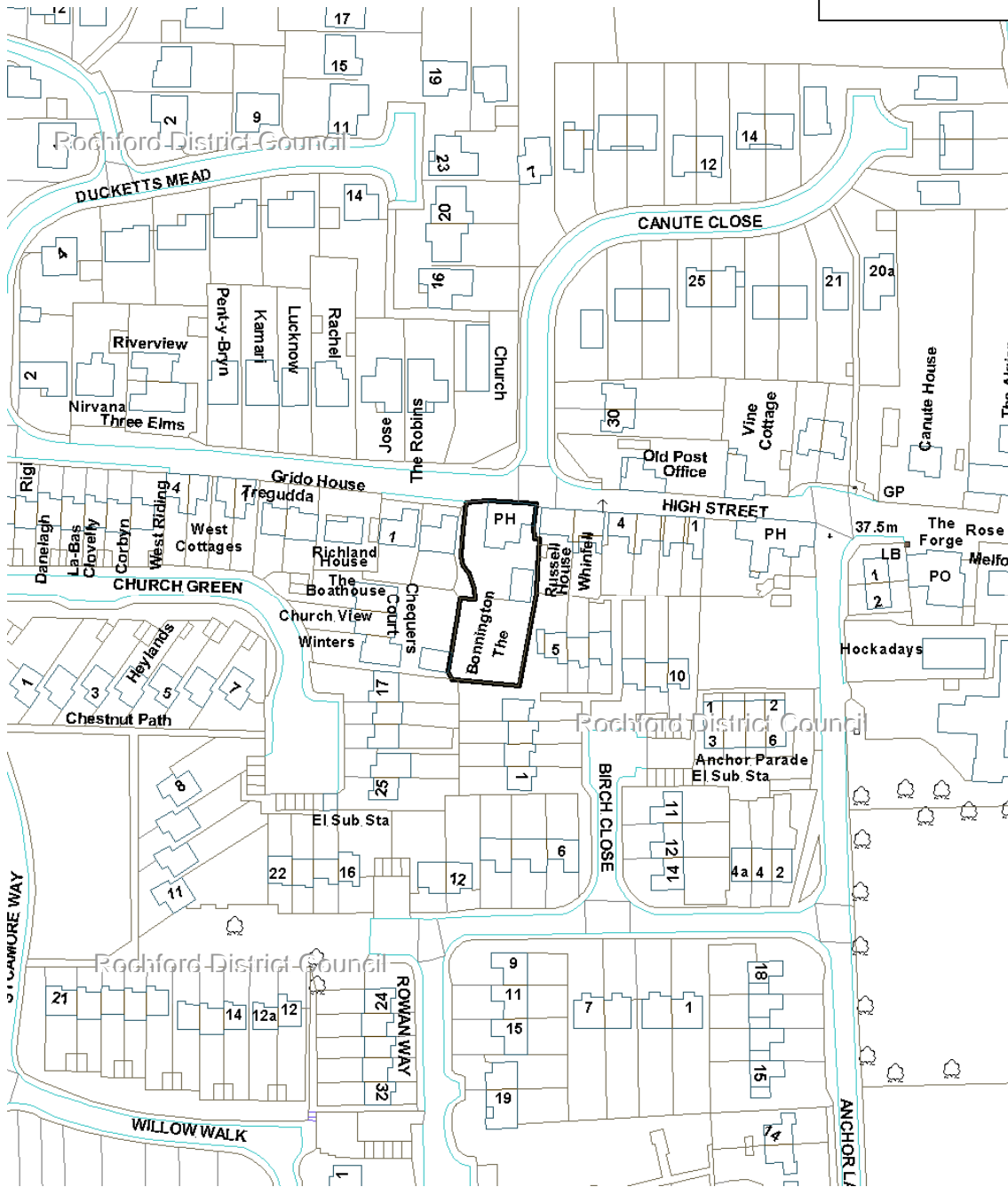
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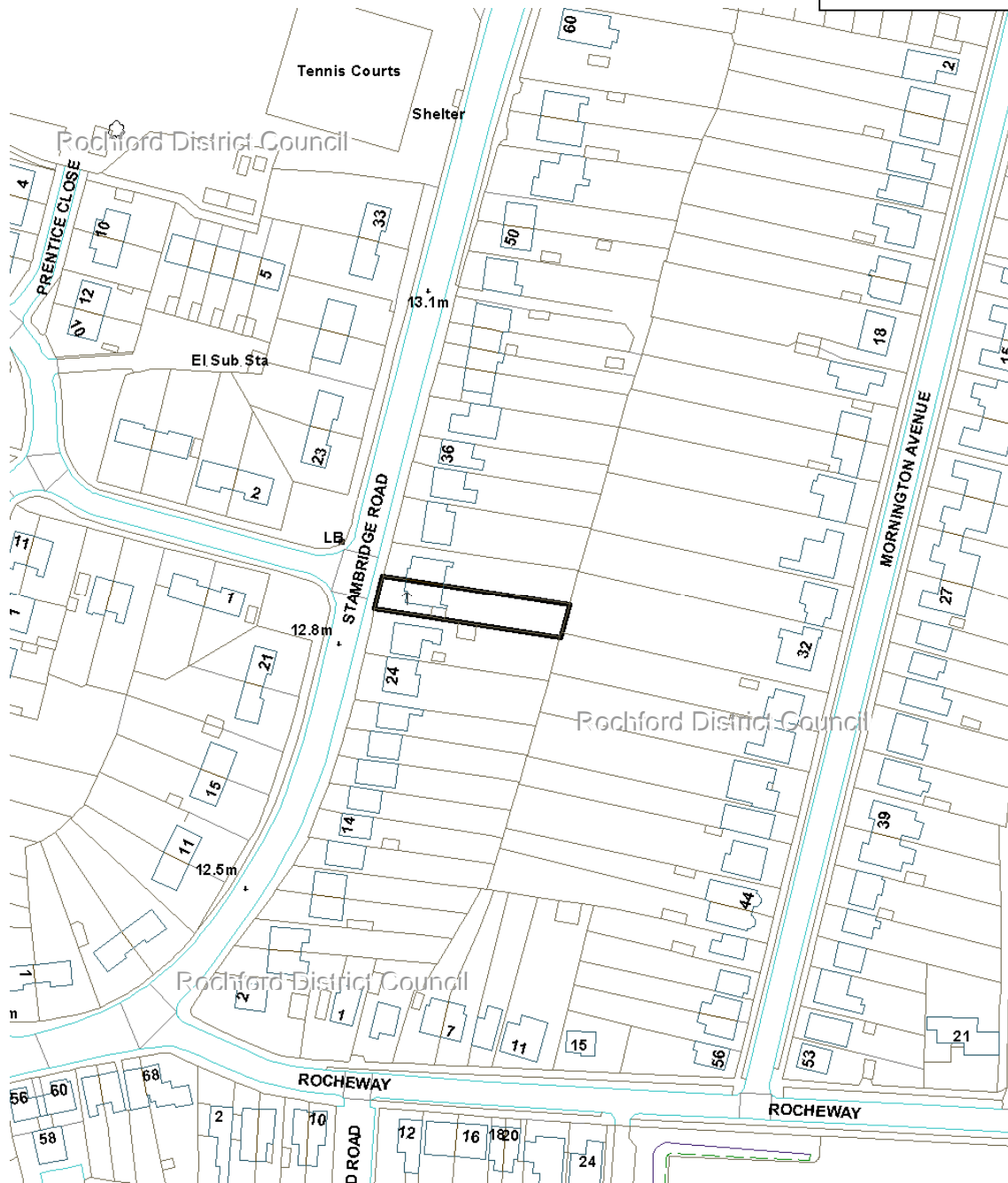
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