
BREACH OF PLANNING CONTROL AT BLUEGATE FARM, IRONWELL LANE

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding breaches of planning control, namely the stationing of a mobile home on the above land within the Metropolitan Green Belt

2 INTRODUCTION

- 2.1 This report is made following action by officers under delegated powers to take appropriate enforcement action. Under Minute No. 05/02, Enforcement Notices, etc can be issued against such activities with the proviso that this is reported to this Committee at the next possible meeting
- 2.2 This breach is occurring within the Metropolitan Green Belt and involves the stationing of a mobile home, together with ancillary facilities, eg a hard standing and ramp way, on this previously undeveloped area of land within the Metropolitan Green Belt

3 PLANNING HISTORY OF THE SITE

- 3.1 In May 2002 an application for a mobile home was received. This was refused in September 2002 on Green Belt grounds.
- 3.2 An Appeal into this refusal was lodged and in July 2003 this was dismissed. Amongst other things the Inspector found no substance in the claimed agricultural need for the proposed agricultural enterprise here.
- 3.3 During these times and again more recently, contact with the owners was pursued although this occurred mainly through their agents. The owners are now allegedly living abroad and this has hampered negotiations. Nevertheless, Members' endorsement of the enforcement action is now sought.

4 PLANNING ISSUES

- 4.1 The above application was refused mainly for the following reasons:
- a. within the Metropolitan Green Belt and contrary to Policy GB1 of the Local Plan and to Policy C2 of the Replacement Structure Plan. The proposal did not fall into any of the listed exemptions; no evidence had been presented to sufficiently justify overriding the strong presumptions against new dwellings in the Green Belt.

- b. the limited information submitted did not indicate that the proposal was necessary for the operation of an agricultural unit and would be harmful and detrimental to the strong national, strategic and local policies which seek to protect the Green Belt from unnecessary and inappropriate development.

- 4.2 As mentioned above, an appeal was dismissed for the reasons mentioned. Following this dismissal it was apparent that the site had not been cleared and was unlikely to be vacated in the immediate future. Therefore an Enforcement Notice was issued under the Head of Planning's delegated powers.

5 RISK IMPLICATIONS

5.1 Strategic Risk

The Council is required to produce a Local Plan detailing the Authority's policies in the District and the Authority should demonstrate its commitment to delivering the aims and objectives in line with this document.

5.2 Resources Risk

The Council may be liable for costs incurred during the defence of any appeal including the appellants' claims for costs if the Authority's action is judged to be unreasonable. Costs may also be claimed during legal action to obtain compliance with a notice.

5.3 Reputation Risk

If action is not taken in this case this Council will be seen to not implement its policy objectives to the full. A precedent may also be set making it difficult for the Authority to resist similar unauthorised development. Consequently unless it is serious in its commitment to ensure development is in accordance with Local Plan policies, these very policies will be undermined.

6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES**

That the above action now reported be noted and endorsed.

Shaun Scrutton

Head of Planning Services

Background Papers:

Planning application and appeal referred to in the report

For further information please contact Nick Barnes on:-

Tel:- 01702 318088

E-Mail:- nick.barnes@rochford.gov.uk